

PUBLIC TRANSPORTATION SAFETY OVERSIGHT**AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE**General Description:**

This bill modifies the Transportation Code by designating the Department of Transportation as the state safety oversight agency for rail fixed guideway public transportation safety.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides directions to the state treasurer to transfer funds in certain circumstances to a county served by rail fixed guideway to cover costs of safety oversight;
- ▶ designates the Department of Transportation as the state safety oversight agency for rail fixed guideway public transportation safety;
- ▶ specifies the powers and duties of the Department of Transportation as the state safety oversight agency;
- ▶ requires the Department of Transportation to annually provide a status report on the safety of certain rail fixed guideway public transportation systems;
- ▶ grants the Department of Transportation rulemaking authority to make rules necessary to administer and enforce the requirements of state and federal law as the designated state safety oversight agency; and
- ▶ makes technical changes.



Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****59-12-2206**, as last amended by Laws of Utah 2016, Chapter 364**ENACTS:****72-1-214**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **59-12-2206** is amended to read:

59-12-2206. Administration, collection, and enforcement of a sales and use tax under this part -- Transmission of revenue monthly by electronic funds transfer -- Transfer of revenue to a public transit district or eligible political subdivision.

(1) Except as provided in Subsection (2), the commission shall administer, collect, and enforce a sales and use tax imposed under this part.

(2) The commission shall administer, collect, and enforce a sales and use tax imposed under this part in accordance with:

(a) the same procedures used to administer, collect, and enforce a tax under:

(i) Part 1, Tax Collection; or

(ii) Part 2, Local Sales and Use Tax Act; and

(b) Chapter 1, General Taxation Policies.

(3) A sales and use tax under this part is not subject to Subsections **59-12-205**(2) through (7).

(4) Subject to Section **59-12-2207** and except as provided in Subsection (5) or another provision of this part, the state treasurer shall transmit revenue collected within a county, city, or town from a sales and use tax under this part to the county, city, or town legislative body monthly by electronic funds transfer.

(5) (a) Subject to Section **59-12-2207**, the state treasurer shall transfer revenue collected within a county, city, or town from a sales and use tax under this part directly to a

public transit district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act, or an eligible political subdivision as defined in Section 59-12-2219, if the county, city, or town legislative body:

~~[(a)]~~ (i) provides written notice to the state treasurer requesting the transfer; and

~~[(b)]~~ (ii) designates the public transit district or eligible political subdivision to which the county, city, or town legislative body requests the state treasurer to transfer the revenue.

(b) The state treasurer shall transmit a portion of the revenue collected within a county, city, or town from a sales and use tax under this part that would be transferred to a public transit district or an eligible political subdivision under Subsection (5)(a) to the county, city, or town to fund public transit fixed guideway safety oversight under Section 72-1-214 if the county, city, or town legislative body:

(i) provides written notice to the state treasurer requesting the transfer; and

(ii) specifies the amount of revenue required to be transmitted to the county, city, or town.

Section 2. Section 72-1-214 is enacted to read:

72-1-214. Department designated as state safety oversight agency for rail fixed guideway public transportation safety -- Powers and duties -- Rulemaking.

(1) (a) Except as provided in Subsection (1)(b), as used in this section, "fixed guideway" means the same as that term is defined in Section 59-12-102.

(b) For purposes of this section, "fixed guideway" does not include a rail system subject to regulation by the Federal Railroad Administration.

(2) The department is designated as the state safety oversight agency for rail fixed guideway public transportation safety in accordance with 49 U.S.C. Sec. 5329(e)(4).

(3) As the state safety oversight agency, the department may, to the extent necessary to fulfill the department's obligations under federal law:

(a) enter into and inspect the property of a fixed guideway rail system receiving federal funds without prior notice to the operator;

(b) audit an operator of a fixed guideway rail system receiving federal funds for compliance with:

(i) federal and state laws regarding the safety of the fixed guideway rail system; and

(ii) a public transportation agency safety plan adopted by a specific operator in

90 accordance with 49 U.S.C. Sec. 5329(d);

91 (c) direct the operator of a fixed guideway rail system to correct a safety hazard by a
92 specified date and time;

93 (d) prevent the operation of all or part of a fixed guideway rail system that the
94 department has determined to be unsafe;

95 (e) audit, review, approve, and oversee an operator of a fixed guideway rail system
96 receiving federal funds for compliance with a plan adopted by the operator in compliance with
97 49 U.S.C. Sec. 5329(d); and

98 (f) enforce statutes, rules, regulations, and executive orders relating to the operation of
99 a fixed guideway rail public transportation system in Utah.

100 (4) The department shall, at least annually, provide a status report on the safety of the
101 rail fixed guideway public transportation systems the department oversees to:

102 (a) the Federal Transit Administration;

103 (b) the governor; and

104 (c) members of the board of any rail fixed guideway public transportation system that
105 the department oversees in accordance with this section.

106 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
107 department shall make rules necessary to administer and enforce this section.

108 (6) (a) Notwithstanding any other agreement, a county, city, or town with fixed
109 guideway rail transit service provided by a public transit district that is subject to safety
110 oversight as provided in this section may request local option transit sales tax in accordance
111 with Section [59-12-2206](#) and spend local option transit sales tax in the amount requested by the
112 department to meet nonfederal match requirements for costs of safety oversight described in
113 this section.

114 (b) A county, city, or town that requests local option transit sales tax as described in
115 Subsection (6)(a) shall transmit to the department all of the funds requested under Subsection
116 (6)(a) and transmitted to the county, city, or town under Subsection [59-12-2206](#)(5)(b).

Legislative Review Note
Office of Legislative Research and General Counsel