

PUBLIC TRANSPORTATION SAFETY OVERSIGHT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: John Knotwell

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

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **59-12-2206**, as last amended by Laws of Utah 2016, Chapter 364

34 ENACTS:

35 **72-1-214**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **59-12-2206** is amended to read:

39 **59-12-2206. Administration, collection, and enforcement of a sales and use tax**
40 **under this part -- Transmission of revenue monthly by electronic funds transfer --**
41 **Transfer of revenue to a public transit district or eligible political subdivision.**

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

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

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

47 (i) Part 1, Tax Collection; or

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

49 (b) Chapter 1, General Taxation Policies.

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

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

56 (5) (a) Subject to Section [59-12-2207](#), and except as provided in Subsection (5)(b), the
57 state treasurer shall transfer revenue collected within a county, city, or town from a sales and
58 use tax under this part directly to a public transit district organized under Title 17B, Chapter 2a,
59 Part 8, Public Transit District Act, or an eligible political subdivision as defined in Section
60 [59-12-2219](#), if the county, city, or town legislative body:

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

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

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

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

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

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

75 **72-1-214. Department designated as state safety oversight agency for rail fixed**
76 **guideway public transportation safety -- Powers and duties -- Rulemaking.**

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

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

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

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

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

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

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

90 (ii) a public transportation agency safety plan adopted by a specific operator in
91 accordance with 49 U.S.C. Sec. 5329(d);

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

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

96 (e) audit, review, approve, and oversee an operator of a fixed guideway rail system
97 receiving federal funds for compliance with a plan adopted by the operator in compliance with
98 49 U.S.C. Sec. 5329(d); and

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

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

103 (a) the Federal Transit Administration;

104 (b) the governor; and

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

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

109 (6) (a) Notwithstanding any other agreement, a county, city, or town with fixed

110 guideway rail transit service provided by a public transit district that is subject to safety
111 oversight as provided in this section may request local option transit sales tax in accordance
112 with Section 59-12-2206 and spend local option transit sales tax in the amount requested by the
113 department to meet nonfederal match requirements for costs of safety oversight described in
114 this section.

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

118 (c) A county, city, or town that requests local option transit sales tax as described in
119 Subsection (6)(a) may not request more local option transit sales tax than is necessary to carry
120 out the state safety oversight functions under this section and the amount shall only reflect a
121 maximum of 20% nonfederal match requirement of eligible costs of state safety oversight.