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**Railroad and Transportation Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill addresses railroad provisions.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ modifies the duties of the Department of Agriculture and Food related to railroad  
9 operations;

10 ▶ amends the duties of the rail ombudsman; and

11 ▶ repeals certain sections.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 **AMENDS:**

18 **4-2-103**, as last amended by Laws of Utah 2023, Chapters 126, 232

19 **63I-2-256**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

20 **72-18-102**, as enacted by Laws of Utah 2024, Chapter 531

21 **REPEALS:**

22 **56-1-12**, as last amended by Laws of Utah 2024, Chapter 531

23 **56-1-13**, as last amended by Laws of Utah 2024, Chapter 531

24 **72-17-101**, as last amended by Laws of Utah 2024, Chapter 517

25 **72-17-102**, as last amended by Laws of Utah 2024, Chapter 517

26 **72-17-103**, as last amended by Laws of Utah 2024, Chapter 531

27 **72-17-104**, as last amended by Laws of Utah 2024, Chapter 531

28 **72-17-105**, as last amended by Laws of Utah 2024, Chapter 531

29 **72-17-106**, as last amended by Laws of Utah 2024, Chapter 531

30 **72-17-107**, as last amended by Laws of Utah 2024, Chapter 531

31 **72-17-108**, as last amended by Laws of Utah 2024, Chapter 531

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

34 Section 1. Section **4-2-103** is amended to read:

35 **4-2-103 . Functions, powers, and duties of department -- Fees for services --**

36 **Marketing orders -- Procedure -- Purchasing and auditing.**

37 (1) The department shall:

- 38 (a) inquire into and promote the interests and products of agriculture and allied  
39 industries;
- 40 (b) promote methods for increasing the production and facilitating the distribution of the  
41 agricultural products of the state;
- 42 (c)(i) inquire into the cause of contagious, infectious, and communicable diseases  
43 among livestock and the means for their prevention and cure; and  
44 (ii) initiate, implement, and administer plans and programs to prevent the spread of  
45 diseases among livestock;
- 46 (d) encourage experiments designed to determine the best means and methods for the  
47 control of diseases among domestic and wild animals;
- 48 (e) issue marketing orders for any designated agricultural product to:
- 49 (i) promote orderly market conditions for any product;  
50 (ii) give the producer a fair return on the producer's investment at the marketplace;  
51 and  
52 (iii) only promote and not restrict or restrain the marketing of Utah agricultural  
53 commodities;
- 54 (f) administer and enforce all laws assigned to the department by the Legislature;
- 55 (g) establish standards and grades for agricultural products and fix and collect  
56 reasonable fees for services performed by the department in conjunction with the  
57 grading of agricultural products;
- 58 (h) establish operational standards for any establishment that manufactures, processes,  
59 produces, distributes, stores, sells, or offers for sale any agricultural product;
- 60 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules  
61 necessary for the effective administration of the agricultural laws of the state;
- 62 (j) when necessary, make investigations, subpoena witnesses and records, conduct  
63 hearings, issue orders, and make recommendations concerning matters related to  
64 agriculture;

- 65 (k)(i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any  
 66 private or public place that may become infested or infected with harmful insects,  
 67 plant diseases, noxious or poisonous weeds, or other agricultural pests;  
 68 (ii) establish and enforce quarantines;  
 69 (iii) issue and enforce orders and rules for the control and eradication of pests,  
 70 wherever they may exist within the state; and  
 71 (iv) perform other duties relating to plants and plant products considered advisable  
 72 and not contrary to law;
- 73 (l) inspect apiaries for diseases inimical to bees and beekeeping;
- 74 (m) take charge of any agricultural exhibit within the state, if considered necessary by  
 75 the department, and award premiums at that exhibit;
- 76 (n) provide for the coordination of state conservation efforts, including by:  
 77 (i) assisting the Conservation Commission in the administration of Chapter 18,  
 78 Conservation Commission Act;  
 79 (ii) implementing Chapter 46, Conservation Coordination Act, including entering into  
 80 agreements with other state agencies; and  
 81 (iii) administering and disbursing money available to assist conservation districts in  
 82 the state in the conservation of the state's soil and water resources;
- 83 (o) participate in the United States Department of Agriculture certified agricultural  
 84 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;
- 85 (p) promote and support the multiple use of public lands;
- 86 (q) ensure that any training or certification required of a public official or public  
 87 employee, as those terms are defined in Section 63G-22-102, complies with Title  
 88 63G, Chapter 22, State Training and Certification Requirements, if the training or  
 89 certification is required:  
 90 (i) under this title;  
 91 (ii) by the department; or  
 92 (iii) by an entity within the department;
- 93 ~~[(t) administer the requirements described in Section 56-1-12 pertaining to livestock~~  
 94 ~~damaged by railroad operations;]~~
- 95 ~~[(s)]~~ (r) in accordance with Title 73, Chapter 3d, Part 4, Compensation:  
 96 (i) conduct mediation or arbitration; and  
 97 (ii) assist in the issuance of loans by the Conservation Commission; and  
 98 ~~[(t)]~~ (s) perform any additional functions, powers, and duties provided by law.

- 99 (2) The department, by following the procedures and requirements of Section 63J-1-504,  
 100 may adopt a schedule of fees assessed for services provided by the department.
- 101 (3)(a) A marketing order issued under Subsection (1)(e) may not take effect until:  
 102 (i) the department gives notice of the proposed order to the producers and handlers of  
 103 the affected product;  
 104 (ii) the commissioner conducts a hearing on the proposed order; and  
 105 (iii) at least 50% of the registered producers and handlers of the affected products  
 106 vote in favor of the proposed order.
- 107 (b)(i) The department may establish boards of control to administer marketing orders  
 108 and the proceeds derived from any order.  
 109 (ii) A board of control shall:  
 110 (A) ensure that proceeds are placed in an account in the board of control's name in  
 111 a depository institution; and  
 112 (B) ensure that the account is annually audited by an accountant approved by the  
 113 commissioner.
- 114 (4) Money collected by grain grading, as provided by Subsection (1)(g), shall be deposited  
 115 into the General Fund as dedicated credits for the grain grading program.
- 116 (5) In fulfilling the department's duties in this chapter, the department may:  
 117 (a) purchase, as authorized or required by law, services that the department is  
 118 responsible to provide for legally eligible persons;  
 119 (b) take necessary steps, including legal action, to recover money or the monetary value  
 120 of services provided to a recipient who is not eligible;  
 121 (c) examine and audit the expenditures of any public funds provided to a local authority,  
 122 agency, or organization that contracts with or receives funds from those authorities or  
 123 agencies;  
 124 (d) accept and administer grants from the federal government and from other sources,  
 125 public or private; and  
 126 (e) fund grants using money appropriated by the Legislature or money received from  
 127 any other source.

128 Section 2. Section **63I-2-256** is amended to read:

129 **63I-2-256 . Repeal dates: Title 56.**

130 [~~1) Section 56-1-12.1, Injury to livestock -- Notice, is repealed May 7, 2025.~~]

131 [~~2) Section 56-1-13.1, Fencing right-of-way -- Gates, is repealed May 7, 2025.~~]

132 Section 3. Section **72-18-102** is amended to read:

133           **72-18-102 . Rail ombudsman -- Duties.**

- 134       (1) The rail ombudsman shall:
- 135           (a) develop and maintain expertise in and understanding of laws and regulations relating
- 136           to rail;
- 137           (b) coordinate, consult, and provide information to private citizens, government entities,
- 138           rail operators, stakeholders, and other interested parties about rail related issues;
- 139           (c) on the rail ombudsman's website, provide:
- 140               (i) updated, easily accessible information about the duties of the rail ombudsman; and
- 141               (ii) a form that a member of the public, including a railroad company employee, may
- 142               use to submit a report or complaint;
- 143           (d) provide education and training regarding rail laws and regulations; and
- 144           (e) arrange and facilitate meetings between a rail company and one or more of the
- 145           following, to resolve a rail dispute described in Subsection (2):
- 146               (i) a local government entity;
- 147               (ii) a large public transit district; or
- 148               (iii) a private property or livestock owner.
- 149       (2) The rail ombudsman shall facilitate meetings described in Subsection (1)(e) to resolve
- 150       issues relating to:
- 151           (a) safety;
- 152           (b) at-grade and grade-separated rail crossings;
- 153           (c) fencing;
- 154           (d) injury to or loss of livestock;
- 155           (e) railroad maintenance, including maintenance agreements and road closures;
- 156           (f) improvements to railroad right-of-way infrastructure;
- 157           (g) track realignment;
- 158           (h) track consolidation; or
- 159           (i) any other issue that has caused a dispute between a rail company and a party
- 160           described in Subsection (1)(e).
- 161       (3) If the rail ombudsman invites a rail company or another party described in Subsection
- 162       (1)(e) to a meeting to resolve a rail dispute, the rail company or other person shall:
- 163           (a) attend the meeting; and
- 164           (b) attempt to resolve the dispute through the rail ombudsman before filing an action in
- 165           court or seeking another remedy.
- 166       (4) A rail company and a party described in Subsections (1)(e)(i) through (iii) shall provide

- 167 notice to the rail ombudsman before:
- 168 (a) closing a highway for railroad maintenance; or
- 169 (b) starting a construction project involving:
- 170 (i) an at-grade rail crossing; or
- 171 (ii) the realignment or consolidation of railroad tracks.
- 172 (5) The rail ombudsman may not address nor participate in:
- 173 (a) organized labor issues or disputes; or
- 174 (b) rail company employee safety issues.
- 175 (6) If a report or complaint described in Subsection (1)(c)(ii) is made in regard to a rail
- 176 company, the rail ombudsman shall forward the report or complaint to the relevant rail
- 177 company or other appropriate agency or entity.

178 Section 4. **Repealer.**

179 This bill repeals:

180 Section **56-1-12, Injury to livestock -- Notice -- Railroad Livestock Damages Fund and**

181 **Board -- Appeals -- Compensation and fees -- Rulemaking.**

182 Section **56-1-13, Fencing right-of-way -- Gates.**

183 Section **72-17-101, Office of Rail Safety -- Creation -- Applicability.**

184 Section **72-17-102, Definitions.**

185 Section **72-17-103, Duties of the Office of Rail Safety.**

186 Section **72-17-104, Federal Railroad Administration grant program.**

187 Section **72-17-105, Establishment of administrative fees -- Payment -- Expenditures.**

188 Section **72-17-106, Office of Rail Safety Account.**

189 Section **72-17-107, Rulemaking regarding railroad clearances and walkways.**

190 Section **72-17-108, Agreements to indemnify in a railroad contract.**

191 Section 5. **Effective Date.**

192 This bill takes effect on May 7, 2025.