

**TRANSIT REVISIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Public Transit District Act and the Transportation Code by amending provisions relating to public transit.

**Highlighted Provisions:**

This bill:

- ▶ for a public transit district that has 200,000 or more people residing within its boundaries:
    - increases the number of members on the board of trustees;
    - enacts experience requirements for members on the board of trustees; and
    - changes the Transportation Commission member on the board of trustees from a nonvoting, ex officio member to a voting member;
  - ▶ provides that a member of the board of trustees that has served three successive full terms may not be reappointed for at least four years;
  - ▶ amends certain duties of a public transit district board of trustees;
  - ▶ requires a public transit district to submit the district's short-term and long-range public transit plans to the Transportation Commission for review and approval;
  - ▶ prohibits a public transit district from:
    - delegating duties assigned to the board of trustees to the officers of the district;
- and
- acquiring or constructing a public transit facility that has not been approved by



- 28 the Transportation Commission through the short-term or long-range public transit plans;
- 29       ▶ requires that the district officers' and employees' compensation be based on a
- 30 national market comparability study of transit agencies with similar missions and
- 31 purposes;
- 32       ▶ requires that the district officers' and employees' bonus structure comply with the
- 33 guidelines established by the Department of Human Resource Management;
- 34       ▶ amends the responsibilities of a general manager of a public transit district;
- 35       ▶ establishes requirements for a board of trustees to consider when determining:
- 36           • regularly scheduled passenger routes; and
- 37           • the transit facilities to acquire or construct;
- 38       ▶ requires the Transportation Commission to review and approve the short-term and
- 39 long-range plans of a public transit district; and
- 40       ▶ makes technical changes.

**41 Monies Appropriated in this Bill:**

42       None

**43 Other Special Clauses:**

44       None

**45 Utah Code Sections Affected:**

46 AMENDS:

47       **17B-2a-807**, as renumbered and amended by Laws of Utah 2007, Chapter 329

48       **17B-2a-808**, as enacted by Laws of Utah 2007, Chapter 329

49       **17B-2a-810**, as enacted by Laws of Utah 2007, Chapter 329

50       **17B-2a-811**, as enacted by Laws of Utah 2007, Chapter 329

51       **17B-2a-815**, as enacted by Laws of Utah 2007, Chapter 329

52       **72-1-303**, as last amended by Laws of Utah 2007, Chapter 329

53 ENACTS:

54       **17B-2a-808.5**, Utah Code Annotated 1953



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

57       Section 1. Section **17B-2a-807** is amended to read:

58       **17B-2a-807. Public transit district board of trustees -- Appointment --**

59 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

60 (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit  
61 district, the board of trustees shall consist of members appointed by the legislative bodies of  
62 each municipality, county, or unincorporated area within any county on the basis of one  
63 member for each full unit of regularly scheduled passenger routes proposed to be served by the  
64 district in each municipality or unincorporated area within any county in the following calendar  
65 year.

66 (b) For purposes of determining membership under Subsection (1)(a), the number of  
67 service miles comprising a unit shall be determined jointly by the legislative bodies of the  
68 municipalities or counties comprising the district.

69 (c) The board of trustees of a public transit district under this Subsection (1) may  
70 include a member that is a commissioner on the Transportation Commission created in Section  
71 72-1-301 and appointed as provided in Subsection [~~(10)~~] (11), who shall serve as a nonvoting,  
72 ex officio member.

73 (d) Members appointed under this Subsection (1) shall be appointed and added to the  
74 board or omitted from the board at the time scheduled routes are changed, or as municipalities,  
75 counties, or unincorporated areas of counties annex to or withdraw from the district using the  
76 same appointment procedures.

77 (e) For purposes of appointing members under this Subsection (1), municipalities,  
78 counties, and unincorporated areas of counties in which regularly scheduled passenger routes  
79 proposed to be served by the district in the following calendar year is less than a full unit, as  
80 defined in Subsection (1)(b), may combine with any other similarly situated municipality or  
81 unincorporated area to form a whole unit and may appoint one member for each whole unit  
82 formed.

83 (2) (a) If more than 200,000 people reside within the boundaries of a public transit  
84 district, the board of trustees shall consist of 15 members appointed as described under this  
85 Subsection (2), three members appointed as described in Subsection (4), and one [~~nonvoting~~  
86 ~~ex officio~~] voting member appointed as provided in Subsection [~~(10)~~] (11).

87 (b) Except as provided in Subsections (2)(c) and(d), the board shall apportion voting  
88 members to each county within the district using an average of:

89 (i) the proportion of population included in the district and residing within each county,

90 rounded to the nearest 1/15 of the total transit district population; and

91 (ii) the proportion of transit sales and use tax collected from areas included in the  
92 district and within each county, rounded to the nearest 1/15 of the total transit sales and use tax  
93 collected for the transit district.

94 (c) The board shall join an entire or partial county not apportioned a voting member  
95 under this Subsection (2) with an adjacent county for representation. The combined  
96 apportionment basis included in the district of both counties shall be used for the  
97 apportionment.

98 (d) (i) If rounding to the nearest 1/15 of the total public transit district apportionment  
99 basis under Subsection (2)(b) results in an apportionment of more than 15 members, the county  
100 or combination of counties with the smallest additional fraction of a whole member proportion  
101 shall have one less member apportioned to it.

102 (ii) If rounding to the nearest 1/15 of the total public transit district apportionment  
103 basis under Subsection (2)(b) results in an apportionment of less than 15 members, the county  
104 or combination of counties with the largest additional fraction of a whole member proportion  
105 shall have one more member apportioned to it.

106 (e) If the population in the unincorporated area of a county is at least 1/15 of the  
107 district's population, the county executive, with the advice and consent of the county legislative  
108 body, shall appoint one voting member to represent each 1/15 of the district's population within  
109 a county's unincorporated area population.

110 (f) If a municipality's population is at least 1/15 of the district's population, the chief  
111 municipal executive, with the advice and consent of the municipal legislative body, shall  
112 appoint one voting member to represent each 1/15 of the district's population within a  
113 municipality.

114 (g) The number of voting members appointed from a county and municipalities within  
115 a county under Subsections (2)(e) and (f) shall be subtracted from the county's total voting  
116 member apportionment under this Subsection (2).

117 (h) If the entire county is within the district, the remaining voting members for the  
118 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or  
119 the municipalities within the county.

120 (i) If the entire county is not within the district, and the county is not joined with

121 another county under Subsection (2)(c), the remaining voting members for the county shall  
122 represent a municipality or combination of municipalities.

123 (j) Except as provided under Subsections (2)(e) and (f), voting members representing  
124 counties, combinations of counties if Subsection (2)(c) applies, or municipalities within the  
125 county shall be designated and appointed by a simple majority of the chief executives of the  
126 municipalities within the county or combinations of counties if Subsection (2)(c) applies. The  
127 appointments shall be made by joint written agreement of the appointing municipalities, with  
128 the consent and approval of the county legislative body of the county that has at least 1/15 of  
129 the district's apportionment basis.

130 (k) Voting members representing a municipality or combination of municipalities shall  
131 be designated and appointed by the chief executive officer of the municipality or simple  
132 majority of chief executive officers of municipalities with the consent of the legislative body of  
133 the municipality or municipalities.

134 (l) The appointment of voting members shall be made without regard to partisan  
135 political affiliation from among citizens in the community.

136 (m) Each voting member shall be a bona fide resident of the municipality, county, or  
137 unincorporated area or areas which the voting member is to represent for at least six months  
138 before the date of appointment, and must continue in that residency to remain qualified to serve  
139 as a voting member.

140 (n) (i) All population figures used under this section shall be derived from the most  
141 recent official census or census estimate of the United States Bureau of the Census.

142 (ii) If population estimates are not available from the United States Bureau of Census,  
143 population figures shall be derived from the estimate from the Utah Population Estimates  
144 Committee.

145 (iii) All transit sales and use tax totals shall be obtained from the State Tax  
146 Commission.

147 (o) (i) The board shall be apportioned as provided under this section in conjunction  
148 with the decennial United States Census Bureau report every ten years.

149 (ii) Within 120 days following the receipt of the population estimates under this  
150 Subsection (2)(o), the district shall reapportion representation on the board of trustees in  
151 accordance with this section.

152 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed  
153 apportionment.

154 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to  
155 each of its constituent entities as defined under Section 17B-1-701.

156 (v) The appointing entities gaining a new board member shall appoint a new member  
157 within 30 days following receipt of the resolution.

158 (vi) The appointing entities losing a board member shall inform the board of which  
159 member currently serving on the board will step down upon appointment of a new member  
160 under Subsection (2)(o)(v).

161 (p) Beginning with appointments made on or after July 1, 2008 and in addition to the  
162 requirements under this section, the voting members appointed under this Subsection (2) shall  
163 consist of the following:

164 (i) one member with experience or expertise in land use or real estate;

165 (ii) two members with experience or expertise in the transportation industry;

166 (iii) two members with interest or expertise in public transit rider advocacy for  
167 disabled, disadvantaged, or low income individuals;

168 (iv) two members with experience or expertise in finance or economics;

169 (v) one member with experience or expertise in the construction industry;

170 (vi) one member from the general public;

171 (vii) five members who are currently serving as elected officials, no more than two of  
172 whom may be from the same county; and

173 (viii) one member who is a business owner.

174 (3) Upon the completion of an annexation to a public transit district under Chapter 1,  
175 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the  
176 same basis as if the area had been included in the district as originally organized.

177 (4) In addition to the voting members appointed in accordance with Subsection (2), the  
178 board shall consist of three voting members appointed as follows:

179 (a) one member who is an elected official appointed by the speaker of the House of  
180 Representatives;

181 (b) one member who is an elected official appointed by the president of the Senate; and

182 (c) one member who is an elected official appointed by the governor.

183           ~~[(4)]~~ (5) (a) Except the initial members of the board, the terms of office of the voting  
184 members of the board shall be two years or until a successor is appointed, qualified, seated, and  
185 has taken the oath of office.

186           (b) At the first meeting of the initial members of the board held after July 1, 2004,  
187 voting members of the board shall designate by the drawing of lots for 1/2 of their number to  
188 serve for one-year terms and 1/2 for two-year terms.

189           (c) (i) A voting member may not be appointed for more than three successive full  
190 terms.

191           (ii) A voting member that has served three successive full terms may not be  
192 reappointed as a member of the board for at least four years after the voting member's final day  
193 of service of the voting member's third full term on the board.

194           ~~[(5)]~~ (6) (a) Vacancies for voting members shall be filled by the official appointing the  
195 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy  
196 within 90 days.

197           (b) If the appointing official under Subsection (1) does not fill the vacancy within 90  
198 days, the board of trustees of the authority shall fill the vacancy.

199           (c) If the appointing official under Subsection (2) does not fill the vacancy within 90  
200 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

201           ~~[(6)]~~ (7) (a) Each voting member may cast one vote on all questions, orders,  
202 resolutions, and ordinances coming before the board of trustees.

203           (b) A majority of all voting members of the board of trustees are a quorum for the  
204 transaction of business.

205           (c) The affirmative vote of a majority of all voting members present at any meeting at  
206 which a quorum was initially present shall be necessary and, except as otherwise provided, is  
207 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

208           ~~[(7)]~~ (8) Each public transit district shall pay to each voting member:

209           (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed  
210 \$200 in any calendar month to any voting member; and

211           (b) reasonable mileage and expenses necessarily incurred to attend board or committee  
212 meetings.

213           ~~[(8)]~~ (9) (a) Members of the initial board of trustees shall convene at the time and place

214 fixed by the chief executive officer of the entity initiating the proceedings.

215 (b) Immediately upon convening, the board of trustees shall elect from its voting  
216 membership a president, vice president, and secretary who shall serve for a period of two years  
217 or until their successors shall be elected and qualified.

218 [~~(9)~~] (10) At the time of a voting member's appointment or during a voting member's  
219 tenure in office, a voting member may not hold any employment, except as an independent  
220 contractor or elected public official, with a county or municipality within the district.

221 [~~(10)~~] (11) The Transportation Commission created in Section 72-1-301:

222 (a) for a public transit district serving a population of 200,000 people or fewer, may  
223 appoint a commissioner of the Transportation Commission to serve on the board of trustees as  
224 a nonvoting, ex officio member; and

225 (b) for a public transit district serving a population of more than 200,000 people, shall  
226 appoint a commissioner of the Transportation Commission to serve on the board of trustees as  
227 a [~~nonvoting, ex officio~~] voting member.

228 [~~(11)~~] (12) (a) (i) Each member of the board of trustees of a public transit district is  
229 subject to recall at any time by the legislative body of the county or municipality from which  
230 the member is appointed.

231 (ii) Each recall of a board of trustees member shall be made in the same manner as the  
232 original appointment.

233 (iii) The legislative body recalling a board of trustees member shall provide written  
234 notice to the member being recalled.

235 (b) Upon providing written notice to the board of trustees, a member of the board may  
236 resign from the board of trustees.

237 (c) If a board member is recalled or resigns under this Subsection [~~(11)~~] (12), the  
238 vacancy shall be filled as provided in Subsection [~~(5)~~] (6).

239 Section 2. Section 17B-2a-808 is amended to read:

240 **17B-2a-808. Public transit district board of trustees powers and duties --**  
241 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

242 (1) The powers and duties of a board of trustees of a public transit district stated in this  
243 section are in addition to the powers and duties stated in Section 17B-1-301.

244 (2) The board of trustees of each public transit district shall:



- 245 (a) appoint and fix the salary of a general manager, as provided in Section 17B-2a-811;
- 246 (b) determine the transit facilities that the district should acquire or construct in
- 247 accordance with the requirements of Section 17B-2a-808.5;
- 248 (c) supervise and regulate each transit facility that the district owns and operates,
- 249 including:
- 250 (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals,
- 251 and charges subject to the restrictions in Section 17B-2a-815; and
- 252 (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or
- 253 in connection with a transit facility that the district owns or controls;
- 254 (d) control the investment of all funds assigned to the district for investment, including
- 255 funds:
- 256 (i) held as part of a district's retirement system; and
- 257 (ii) invested in accordance with the participating employees' designation or direction
- 258 pursuant to an employee deferred compensation plan established and operated in compliance
- 259 with Section 457 of the Internal Revenue Code;
- 260 (e) invest all funds according to the procedures and requirements of Title 51, Chapter
- 261 7, State Money Management Act;
- 262 (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's
- 263 services from the interest earnings of the investment fund for which the custodian is appointed;
- 264 (g) (i) cause an annual audit of all district books and accounts to be made by an
- 265 independent certified public accountant;
- 266 (ii) as soon as practicable after the close of each fiscal year, submit to the chief
- 267 administrative officer and legislative body of each county and municipality with territory
- 268 within the district a financial report showing:
- 269 (A) the result of district operations during the preceding fiscal year; [~~and~~]
- 270 (B) the district's financial status on the final day of the fiscal year; and
- 271 (C) the amount and purpose of any advertising expenditures made by the district during
- 272 the preceding fiscal year; and
- 273 (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon
- 274 request in a quantity that the board considers appropriate; and
- 275 (iv) ensure policies are in place so that all public reports and data and statistics

276 included in public reports are accurate;

277 (h) [~~report~~] submit at least annually to the Transportation Commission created in  
278 Section 72-1-301 the district's short-term and long-range public transit plans, including the  
279 transit portions of applicable regional transportation plans adopted by a metropolitan planning  
280 organization established under 23 U.S.C. Sec. 134[-] for review and approval;

281 (i) conduct an annual review of ridership and allocate funds and routes based on  
282 ridership and needs;

283 (j) approve a set of minimum performance standards for a bus route watch list  
284 established in accordance with Subsection 17B-2a-811(2)(k);

285 (k) provide internal audit staff direction for developing audits in the areas determined  
286 by the board to be critical to the success of the organization;

287 (l) hear audit reports prepared by the audit staff under Subsection (2)(k); and

288 (m) ensure that audit recommendations are implemented by the district management.

289 (3) A board of trustees of a public transit district may:

290 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that  
291 are:

292 (i) not repugnant to the United States Constitution, the Utah Constitution, or the  
293 provisions of this part; and

294 (ii) necessary for:

295 (A) the government and management of the affairs of the district;

296 (B) the execution of district powers; and

297 (C) carrying into effect the provisions of this part;

298 (b) provide by resolution, under terms and conditions the board considers fit, for the  
299 payment of demands against the district without prior specific approval by the board, if the  
300 payment is:

301 (i) for a purpose for which the expenditure has been previously approved by the board;

302 (ii) in an amount no greater than the amount authorized; and

303 (iii) approved by the general manager or other officer or deputy as the board prescribes;

304 (c) (i) hold public hearings and subpoena witnesses; and

305 (ii) appoint district officers to conduct a hearing and require the officers to make  
306 findings and conclusions and report them to the board; and

307 (d) appoint a custodian for the funds and securities under its control, subject to  
308 Subsection (2)(f).

309 (4) The board of trustees of a public transit district may not:

310 (a) delegate any of the powers or duties of the board specified under Subsection (2); or

311 (b) acquire or construct a facility that has not been approved by the Transportation  
312 Commission on a short-term or long range plan in accordance with Subsection (2)(h).

313 [~~4~~] (5) A member of the board of trustees of a public transit district or a hearing  
314 officer designated by the board may administer oaths and affirmations in a district investigation  
315 or proceeding.

316 [~~5~~] (6) (a) The vote of the board of trustees on each ordinance shall be by roll call  
317 vote with each affirmative and negative vote recorded.

318 (b) (i) Subject to Subsection [~~5~~] (6)(b)(ii), the board of trustees may adopt a  
319 resolution or order by voice vote.

320 (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if  
321 a member of the board so demands.

322 (c) (i) Except as provided in Subsection [~~5~~] (6)(c)(ii), the board of trustees of a public  
323 transit district may not adopt an ordinance unless it is:

324 (A) introduced at least a day before the board of trustees adopts it; or

325 (B) mailed by registered mail, postage prepaid, to each member of the board of trustees  
326 at least five days before the day upon which the ordinance is presented for adoption.

327 (ii) Subsection [~~5~~] (6)(c)(i) does not apply if the ordinance is adopted by a unanimous  
328 vote of all board members present at a meeting at which at least 3/4 of all board members are  
329 present.

330 (d) Each ordinance adopted by a public transit district's board of trustees shall take  
331 effect upon adoption, unless the ordinance provides otherwise.

332 Section 3. Section **17B-2a-808.5** is enacted to read:

333 **17B-2a-808.5. Determination of regularly scheduled passenger routes and**  
334 **acquisition or construction of transit facilities.**

335 (1) In establishing regularly scheduled passenger routes, the board shall ensure that:

336 (a) the majority of the residents residing within the transit district boundaries are  
337 served by a regularly scheduled passenger route within 1/4 mile from the resident's home to a

338 bus stop:

339 (b) regularly scheduled passenger routes conveniently and regularly serve all major  
340 retail, entertainment, industrial, and employment centers located within the district;

341 (c) disabled and low income individuals are adequately served;

342 (d) nonvehicle owning populations are adequately served; and

343 (e) bus routes are direct and require the fewest passenger transfers possible.

344 (2) In determining the facilities to be constructed by a public transit district in  
345 accordance with Section 17B-2a-808, the board shall:

346 (a) (i) annually review, modify, and approve the public transit district's short-term and  
347 long-range public transit plans, including the transit portions of applicable regional  
348 transportation plans adopted by a metropolitan planning organization established under 23  
349 U.S.C. Sec. 134; and

350 (ii) submit the plans described in Subsection (3)(a) to the Transportation Commission  
351 for review and approval in accordance with Section 17B-2a-808;

352 (b) create and approve a long-range plan that:

353 (i) addresses future growth, service areas, and transit needs within the public transit  
354 boundaries; and

355 (ii) reduces car dependency and maximizes tax dollars spent per passenger; and

356 (c) ensure, in developing the short-term and long-range public transit plans, that  
357 maximum service in current areas is met before expanding into new boundary areas or  
358 counties.

359 (3) The board shall:

360 (a) establish a five year plan to increase ridership, transit system effectiveness, and  
361 reduce public transit air pollution as part of the public transit district's short-term public transit  
362 district plan; and

363 (b) update the plan established under Subsection (3)(a) every three years.

364 Section 4. Section **17B-2a-810** is amended to read:

365 **17B-2a-810. Officers of a public transit district.**

366 (1) (a) The officers of a public transit district shall consist of:

367 (i) the members of the board of trustees;

368 (ii) a president and vice president, appointed by the board of trustees, subject to

369 Subsection (1)(b);

370 (iii) a secretary, appointed by the board of trustees;

371 (iv) a general manager, appointed by the board of trustees as provided in Section

372 17B-2a-811;

373 (v) a general counsel, appointed by the board of trustees, subject to Subsection (1)(c);

374 (vi) a treasurer, appointed as provided in Section 17B-1-633;

375 (vii) a comptroller, appointed by the board of trustees, subject to Subsection (1)(d); and

376 (viii) other officers, assistants, and deputies that the board of trustees considers

377 necessary.

378 (b) The district president and vice president shall be members of the board of trustees.

379 (c) The person appointed as general counsel shall:

380 (i) be admitted to practice law in the state; and

381 (ii) have been actively engaged in the practice of law for at least seven years next  
382 preceding the appointment.

383 (d) The person appointed as comptroller shall have been actively engaged in the  
384 practice of accounting for at least seven years next preceding the appointment.

385 (2) (a) The district's general manager shall appoint all officers and employees not  
386 specified in Subsection (1).

387 (b) Each officer and employee appointed by the district's general manager serves at the  
388 pleasure of the general manager.

389 (3) (a) The board of trustees shall by ordinance or resolution fix the compensation of  
390 all district officers and employees, except as otherwise provided in this part.

391 (b) The compensation of all district officers and employees shall be based on a national  
392 market comparability study of other transit agencies whose missions and goals are similar to  
393 the public transit district.

394 (c) The board shall conform to the guidelines established by the Department of Human  
395 Resource Management in establishing bonuses for the district officers and employees.

396 (4) (a) Each officer appointed by the board of trustees or by the district's general  
397 manager shall take the oath of office specified in Utah Constitution Article IV, Section 10.

398 (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district  
399 secretary no later than 15 days after the commencement of the officer's term of office.

400 Section 5. Section **17B-2a-811** is amended to read:

401 **17B-2a-811. General manager of a public transit district.**

402 (1) (a) The board of trustees of a public transit district shall appoint a person as a  
403 general manager.

404 (b) The appointment of a general manager shall be by the affirmative vote of a majority  
405 of all members of the board of trustees.

406 (c) The board's appointment of a person as general manager shall be based on the  
407 person's qualifications, with special reference to the person's actual experience in or knowledge  
408 of accepted practices with respect to the duties of the office.

409 (d) A person appointed as general manager of a public transit district is not required to  
410 be a resident of the state at the time of appointment.

411 (2) Each general manager of a public transit district shall:

412 (a) be a full-time officer and devote full time to the district's business;

413 (b) ensure that all district ordinances are enforced;

414 (c) prepare and submit to the board of trustees, as soon as practical but not less than 45  
415 days after the end of each fiscal year, a complete report on the district's finances and  
416 administrative activities for the preceding year;

417 (d) keep the board of trustees advised as to the district's needs;

418 (e) prepare or cause to be prepared all plans and specifications for the construction of  
419 district works;

420 (f) cause to be installed and maintained a system of auditing and accounting that  
421 completely shows the district's financial condition at all times; [~~and~~]

422 (g) attend meetings of the board of trustees[-];

423 (h) require that sound statistical methods be used when conducting passenger counts;

424 (i) ensure that data collection and reporting processes are adequately supervised;

425 (j) develop a procedure for verifying the accuracy of information before it is released to  
426 the public; and

427 (k) develop a watch list for bus routes not meeting a set of minimum performance  
428 standards approved by the board of trustees.

429 (3) A general manager of a public transit district:

430 (a) serves at the pleasure of the board of trustees;

- 431 (b) holds office for an indefinite term;
- 432 (c) may be removed by the board of trustees upon the adoption of a resolution by the
- 433 affirmative vote of a majority of all members of the board, subject to Subsection (5);
- 434 (d) has full charge of:
- 435 (i) the acquisition, construction, maintenance, and operation of district facilities; and
- 436 (ii) the administration of the district's business affairs;
- 437 (e) is entitled to participate in the deliberations of the board of trustees as to any matter
- 438 before the board; and
- 439 (f) may not vote at a meeting of the board of trustees.

440 (4) (a) The board shall appoint and fix the salary of the general manager.

441 (b) The general manager's salary shall be based on a national market comparability  
442 study of other transit agencies whose missions and goals are similar to the public transit  
443 district.

444 (c) The board shall conform to the guidelines established by the Department of Human  
445 Resource Management in establishing bonuses for the general manager.

446 [~~(4)~~] (d) The board of trustees may not reduce the general manager's salary below the  
447 amount fixed at the time of original appointment unless:

448 [~~(a)~~] (i) the board adopts a resolution by a vote of a majority of all members; and

449 [~~(b)~~] (ii) if the general manager demands in writing, the board gives the general  
450 manager the opportunity to be publicly heard at a meeting of the board before the final vote on  
451 the resolution reducing the general manager's salary.

452 (5) (a) Before adopting a resolution providing for a general manager's removal as  
453 provided in Subsection (3)(c), the board shall, if the manager makes a written demand:

454 (i) give the general manager a written statement of the reasons alleged for the general  
455 manager's removal; and

456 (ii) allow the general manager to be publicly heard at a meeting of the board of  
457 trustees.

458 (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district  
459 may suspend a general manager from office pending and during a hearing under Subsection  
460 (5)(a)(ii).

461 (6) The action of a board of trustees suspending or removing a general manager or

462 reducing the general manager's salary is final.

463 Section 6. Section **17B-2a-815** is amended to read:

464 **17B-2a-815. Rates and charges for service.**

465 (1) The board of trustees of a public transit district shall:

466 (a) fix rates and charges for service provided by the district by a two-thirds vote of all  
467 board members[-];

468 (b) establish a basis and pricing strategy for how subsidized fares and passes are set for  
469 all service modes;

470 (c) update the pricing strategy for establishing fares under Subsection (1)(b) at least  
471 every three years; and

472 (d) identify a maximum acceptable subsidy level for all service modes.

473 (2) Rates and charges shall:

474 (a) be reasonable and equitable; and

475 (b) to the extent practicable:

476 (i) result in enough revenue to make the public transit system self supporting; and

477 (ii) be sufficient to:

478 (A) pay for district operating expenses;

479 (B) provide for repairs, maintenance, and depreciation of works and property that the  
480 district owns or operates;

481 (C) provide for the purchase, lease, or acquisition of property and equipment;

482 (D) pay the interest and principal of bonds that the district issues; and

483 (E) pay for contracts, agreements, leases, and other legal liabilities that the district  
484 incurs.

485 Section 7. Section **72-1-303** is amended to read:

486 **72-1-303. Duties of commission.**

487 The commission has the following duties:

488 (1) determining priorities and funding levels of projects in the state transportation  
489 systems for each fiscal year based on project lists compiled by the department;

490 (2) determining additions and deletions to state highways under Chapter 4, Designation  
491 of State Highways Act;

492 (3) holding public hearings and otherwise providing for public input in transportation



493 matters;

494 (4) making policies and rules in accordance with Title 63, Chapter 46a, Utah  
495 Administrative Rulemaking Act, necessary to perform the commission's duties described under  
496 this section;

497 (5) in accordance with Section 63-46b-12, reviewing orders issued by the executive  
498 director in adjudicative proceedings held in accordance with Title 63, Chapter 46b,  
499 Administrative Procedures Act;

500 (6) advising the department in state transportation systems policy;

501 (7) approving settlement agreements of condemnation cases subject to Section  
502 63-38b-401;

503 (8) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a  
504 nonvoting, ex officio member on the board of trustees of a public transit district;

505 (9) in accordance with Section 17B-2a-808, reviewing and approving, at least annually,  
506 the short-term and long-range public transit plans submitted by a public transit district; and

507 (10) reviewing administrative rules made, amended, or repealed by the department.

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**Legislative Review Note**  
as of 2-1-08 1:38 PM

**Office of Legislative Research and General Counsel**

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**H.B. 188 - Transit Revisions**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

This bill will require the Transportation Commission to meet twice more per year at a cost of \$2,800 from the Transportation Fund.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Transportation Fund	\$0	\$2,800	\$2,800	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$2,800</b>	<b>\$2,800</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. It is estimated to cost UTA \$105,00 for two FTE to administer provisions of this bill.

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