

PUBLIC TRANSIT REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ provides that a public transit district's introduction, maintenance, or operation of a system may not be considered to be the establishment of a public transit service or system for certain restrictions if the service or system is introduced, maintained, or operated by the public transit district:
 - as part of a program of projects approved by the Federal Transit Administration;
 - in cooperation with the state or a political subdivision of the state, pursuant to an interlocal agreement; or
 - in accordance with the Travel Reduction Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-2a-802, as last amended by Laws of Utah 2010, Chapter 281

30 **17B-2a-805**, as enacted by Laws of Utah 2007, Chapter 329



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **17B-2a-802** is amended to read:

34 **17B-2a-802. Definitions.**

35 As used in this part:

36 (1) "Appointing entity" means the person, county, unincorporated area of a county, or
37 municipality appointing a member to a public transit district board of trustees.

38 (2) (a) "Chief executive officer" means a person appointed by the board of trustees to
39 serve as chief executive officer.

40 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
41 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and
42 responsibilities assigned to the general manager but prescribed by the board of trustees to be
43 fulfilled by the chief executive officer.

44 (3) "Department" means the Department of Transportation created in Section 72-1-201.

45 (4) (a) "General manager" means a person appointed by the board of trustees to serve
46 as general manager.

47 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
48 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees.

49 (5) (a) "Locally elected public official" means a person who holds an elected position
50 with a county or municipality.

51 (b) "Locally elected public official" does not include a person who holds an elected
52 position if the elected position is not with a county or municipality.

53 (6) "Multicounty district" means a public transit district located in more than one
54 county.

55 (7) "Operator" means a public entity or other person engaged in the transportation of
56 passengers for hire.

57 (8) "Public transit" means the transportation of passengers only and their incidental

58 baggage by means other than:

59 (a) chartered bus;

60 (b) sightseeing bus; or

61 (c) taxi[~~;~~or].

62 [~~(d) other vehicle not on an individual passenger fare paying basis.~~]

63 (9) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or
64 unloading zone, parking lot, or other facility:

65 (a) leased by or operated by or on behalf of a public transit district; and

66 (b) related to the public transit services provided by the district, including:

67 (i) railway or other right-of-way;

68 (ii) railway line; and

69 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
70 a transit vehicle.

71 (10) "Transit-oriented development" means a mixed-use residential or commercial area
72 that is designed to maximize access to public transit.

73 (11) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
74 operated as public transportation by a public transit district.

75 Section 2. Section **17B-2a-805** is amended to read:

76 **17B-2a-805. Limitations on authority of a public transit district.**

77 (1) A public transit district may not exercise control over a transit facility or public
78 transit service or system owned or operated inside or outside the district by a governmental
79 entity unless, upon mutually agreeable terms, the governmental entity consents.

80 (2) (a) A public transit district may not establish, directly or indirectly, a public transit
81 service or system, or acquire a facility necessary or incidental to a public transit service or
82 system, in a manner or form that diverts, lessens, or competes for the patronage or revenue of a
83 preexisting system of a publicly or privately owned public carrier furnishing like service,
84 unless the district obtains the consent of the publicly or privately owned carrier.

85 (b) A public transit district's maintenance and operation of an existing system that the

86 district acquires from a publicly or privately owned public carrier may not be considered to be
87 the establishment of a public transit service or system under this Subsection (2).

88 (c) A public transit district's introduction, maintenance, or operation of a system may
89 not be considered to be the establishment of a public transit service or system under this
90 Subsection (2) if the service or system is introduced, maintained, or operated by the public
91 transit district:

92 (i) as part of a program of projects approved by the Federal Transit Administration;

93 (ii) in cooperation with the state or a political subdivision of the state, pursuant to an
94 interlocal agreement; or

95 (iii) in accordance with Title 72, Chapter 12, Travel Reduction Act.