

1 PUBLIC TRANSPORTATION SAFETY OVERSIGHT

2 AMENDMENTS

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Karen Mayne

6 House Sponsor: John Knotwell

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8 LONG TITLE

9 General Description:

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

13 Highlighted Provisions:

14 This bill:

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



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **59-12-2206**, as last amended by Laws of Utah 2016, Chapter 364

35 ENACTS:

36 **72-1-214**, Utah Code Annotated 1953



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

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

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

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

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

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

- 48 (i) Part 1, Tax Collection; or
- 49 (ii) Part 2, Local Sales and Use Tax Act; and
- 50 (b) Chapter 1, General Taxation Policies.

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

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

57 (5) (a) Subject to Section **59-12-2207**, ~~§~~ **and except as provided in Subsection (5)(b),**

57a ~~←~~ ~~§~~ the state treasurer shall transfer revenue

58 collected within a county, city, or town from a sales and use tax under this part directly to a

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

62 ~~[(a)]~~ (i) provides written notice to the ~~Ŝ~~→ commission and the ←~~Ŝ~~ state treasurer  
 62a requesting the 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 ~~Ŝ~~→ ~~[state treasurer]~~ commission ←~~Ŝ~~ shall transmit a portion of the revenue  
 65a 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 ~~Ŝ~~→ commission and the ←~~Ŝ~~ state treasurer requesting the  
 70a transfer; and

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

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

74 **72-1-214. Department designated as state safety oversight agency for rail fixed**  
 75 **guideway public transportation safety -- Powers and duties -- Rulemaking.**

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

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

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

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

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

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

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

89 (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).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**