

Representative Joel K. Briscoe proposes the following substitute bill:

PUBLIC TRANSIT FARES

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits a large public transit district from charging a fare to a passenger of certain public transit services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a large public transit district from charging a fare to a passenger of certain bus services; 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 2020, Chapter 377

17B-2a-815, as last amended by Laws of Utah 2013, Chapter 216



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

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

28 **17B-2a-802. Definitions.**

29 As used in this part:

30 (1) "Affordable housing" means housing occupied or reserved for occupancy by
31 households that meet certain gross household income requirements based on the area median
32 income for households of the same size.

33 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
34 households that meet specific area median income targets or ranges of area median income
35 targets.

36 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
37 by households with gross household incomes that are more than 60% of the area median
38 income for households of the same size.

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

41 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
42 small public transit district to serve as chief executive officer.

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

47 (4) "Council of governments" means a decision-making body in each county composed
48 of membership including the county governing body and the mayors of each municipality in the
49 county.

50 (5) "Department" means the Department of Transportation created in Section [72-1-201](#).

51 (6) "Executive director" means a person appointed by the board of trustees of a large
52 public transit district to serve as executive director.

53 (7) "Fixed guideway" means the same as that term is defined in Section [59-12-102](#).

54 ~~(7)~~ (8) (a) "General manager" means a person appointed by the board of trustees of a
55 small public transit district to serve as general manager.

56 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in

57 Sections [17B-2a-810](#) and [17B-2a-811](#) prescribed by the board of trustees of a small public
58 transit district.

59 ~~[(8)]~~ (9) "Large public transit district" means a public transit district that provides
60 public transit to an area that includes:

61 (a) more than 65% of the population of the state based on the most recent official
62 census or census estimate of the United States Census Bureau; and

63 (b) two or more counties.

64 ~~[(9)]~~ (10) (a) "Locally elected public official" means a person who holds an elected
65 position with a county or municipality.

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

68 ~~[(10)]~~ (11) "Metropolitan planning organization" means the same as that term is
69 defined in Section [72-1-208.5](#).

70 ~~[(11)]~~ (12) "Multicounty district" means a public transit district located in more than
71 one county.

72 ~~[(12)]~~ (13) "Operator" means a public entity or other person engaged in the
73 transportation of passengers for hire.

74 ~~[(13)]~~ (14) (a) "Public transit" means regular, continuing, shared-ride, surface
75 transportation services that are open to the general public or open to a segment of the general
76 public defined by age, disability, or low income.

77 (b) "Public transit" does not include transportation services provided by:

78 (i) chartered bus;

79 (ii) sightseeing bus;

80 (iii) taxi;

81 (iv) school bus service;

82 (v) courtesy shuttle service for patrons of one or more specific establishments; or

83 (vi) intra-terminal or intra-facility shuttle services.

84 ~~[(14)]~~ (15) "Public transit district" means a local district that provides public transit
85 services.

86 (16) "Seasonal bus service" means a public transit bus service offered primarily for
87 recreational access and only during certain seasons.

88 ~~[(15)]~~ (17) "Small public transit district" means any public transit district that is not a
89 large public transit district.

90 ~~[(16)]~~ (18) "Station area plan" means a plan adopted by the relevant municipality or
91 county that establishes and preserves a vision for areas within one-half mile of a fixed
92 guideway station of a large public transit district, the development of which includes:

93 (a) involvement of all relevant stakeholders who have an interest in the station area,
94 including relevant metropolitan planning organizations;

95 (b) identification of major infrastructural and policy constraints and a course of action
96 to address those constraints; and

97 (c) other criteria as determined by the board of trustees of the relevant public transit
98 district.

99 ~~[(17)]~~ (19) "Transit facility" means a transit vehicle, transit station, depot, passenger
100 loading or unloading zone, parking lot, or other facility:

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

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

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

104 (ii) railway line; and

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

107 ~~[(18)]~~ (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other
108 vehicle operated as public transportation by a public transit district.

109 ~~[(19)]~~ (21) "Transit-oriented development" means a mixed use residential or
110 commercial area that is designed to maximize access to public transit and includes the
111 development of land owned by a large public transit district.

112 ~~[(20)]~~ (22) "Transit-supportive development" means a mixed use residential or
113 commercial area that is designed to maximize access to public transit and does not include the
114 development of land owned by a large public transit district.

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

116 **17B-2a-815. Rates and charges for service -- Fare collection information private.**

117 (1) (a) ~~[The]~~ Except as provided in Subsection (1)(b), the board of trustees of a public
118 transit district shall fix rates and charges for service provided by the district by a two-thirds

119 vote of all board members.

120 (b) (i) Except as provided in Subsection (1)(b)(ii), a large public transit district may not
121 charge a fare for a bus service that is a regular, continuing, bus route.

122 (ii) A large public transit district may charge a fare for:

123 (A) a public transit service on a fixed guideway; or

124 (B) a seasonal bus service.

125 (2) Rates and charges shall:

126 (a) be reasonable; and

127 (b) to the extent practicable:

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

129 (ii) be sufficient to:

130 (A) pay for district operating expenses;

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

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

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

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

137 (3) (a) In accordance with Section [63G-2-302](#), the following personal information
138 received by the district from a customer through any debit, credit, or electronic fare payment
139 process is a private record under Title 63G, Chapter 2, Government Records Access and
140 Management Act:

141 (i) travel data, including:

142 (A) the identity of the purchasing individual or entity;

143 (B) travel dates, times, or frequency of use; and

144 (C) locations of use;

145 (ii) service type or vehicle identification used by the customer;

146 (iii) the unique transit pass identifier assigned to the customer; or

147 (iv) customer account information, including the cardholder's name, the credit or debit
148 card number, the card issuer identification, or any other related information.

149 (b) Private records described in this Subsection (3) that are received by a public transit

150 district may only be disclosed in accordance with Section [63G-2-202](#).