

HB0164S01 compared with HB0164

~~text~~ shows text that was in HB0164 but was deleted in HB0164S01.

text shows text that was not in HB0164 but was inserted into HB0164S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~a~~certain public transit ~~service~~services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a large public transit district from charging a fare to a passenger of ~~a public transit service~~certain bus services; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

HB0164S01 compared with HB0164

None

Utah Code Sections Affected:

AMENDS:

~~{17B-2a-808.1}~~17B-2a-802, as last amended by Laws of Utah ~~{2021}~~2020, Chapter ~~{239}~~377
17B-2a-815, as last amended by Laws of Utah 2013, Chapter 216

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

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

17B-2a-802. Definitions.

As used in this part:

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

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

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

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

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

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

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

HB0164S01 compared with HB0164

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

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

~~(7)~~ (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

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

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

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

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

(b) two or more counties.

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

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

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

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

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

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

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

(i) chartered bus;

(ii) sightseeing bus;

(iii) taxi;

HB0164S01 compared with HB0164

- (iv) school bus service;
- (v) courtesy shuttle service for patrons of one or more specific establishments; or
- (vi) intra-terminal or intra-facility shuttle services.

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

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

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

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

- (a) involvement of all relevant stakeholders who have an interest in the station area, including relevant metropolitan planning organizations;
- (b) identification of major infrastructural and policy constraints and a course of action to address those constraints; and
- (c) other criteria as determined by the board of trustees of the relevant public transit district.

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

- (a) leased by or operated by or on behalf of a public transit district; and
- (b) related to the public transit services provided by the district, including:
 - (i) railway or other right-of-way;
 - (ii) railway line; and
 - (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

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

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

HB0164S01 compared with HB0164

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

~~{ Section 1. Section 17B-2a-808.1 is amended to read:~~

~~17B-2a-808.1. Large public transit district board of trustees powers and duties -- Adoption of ordinances, resolutions, or orders -- Effective date of ordinances:~~

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

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

~~(a) hold public meetings and receive public comment;~~

~~(b) ensure that the policies, procedures, and management practices established by the public transit district meet state and federal regulatory requirements and federal grantee eligibility;~~

~~(c) subject to Subsection (8), create and approve an annual budget, including the issuance of bonds and other financial instruments, after consultation with the local advisory council;~~

~~(d) approve any interlocal agreement with a local jurisdiction;~~

~~(e) in consultation with the local advisory council, approve contracts and overall property acquisitions and dispositions for transit-oriented development;~~

~~(f) in consultation with constituent counties, municipalities, metropolitan planning organizations, and the local advisory council:~~

~~(i) develop and approve a strategic plan for development and operations on at least a four-year basis; and~~

~~(ii) create and pursue funding opportunities for transit capital and service initiatives to meet anticipated growth within the public transit district;~~

~~(g) annually report the public transit district's long-term financial plan to the State Bonding Commission;~~

~~(h) annually report the public transit district's progress and expenditures related to state resources to the Executive Appropriations Committee and the Infrastructure and General Government Appropriations Subcommittee;~~

~~(i) annually report to the Transportation Interim Committee the public transit district's~~

HB0164S01 compared with HB0164

~~efforts to engage in public-private partnerships for public transit services;~~

~~—— (j) hire, set salaries, and develop performance targets and evaluations for:~~

~~—— (i) the executive director; and~~

~~—— (ii) all chief level officers;~~

~~—— (k) supervise and regulate each transit facility that the public transit district owns and operates, including:~~

~~—— (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and charges; and~~

~~—— (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;~~

~~—— (l) subject to Subsection (4), control the investment of all funds assigned to the district for investment, including funds:~~

~~—— (i) held as part of a district's retirement system; and~~

~~—— (ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;~~

~~—— (m) in consultation with the local advisory council created under Section 17B-2a-808.2, invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;~~

~~—— (n) if a custodian is appointed under Subsection (3)(d), and subject to Subsection (4), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;~~

~~—— (o) (i) cause an annual audit of all public transit district books and accounts to be made by an independent certified public accountant;~~

~~—— (ii) as soon as practicable after the close of each fiscal year, submit to each of the councils of governments within the public transit district a financial report showing:~~

~~—— (A) the result of district operations during the preceding fiscal year;~~

~~—— (B) an accounting of the expenditures of all local sales and use tax revenues generated under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;~~

~~—— (C) the district's financial status on the final day of the fiscal year; and~~

~~—— (D) the district's progress and efforts to improve efficiency relative to the previous~~

HB0164S01 compared with HB0164

fiscal year; and

~~—— (iii) supply copies of the report under Subsection (2)(o)(ii) to the general public upon request;~~

~~—— (p) report at least annually to the Transportation Commission created in Section 72-1-301, which report shall include:~~

~~—— (i) the district's short-term and long-range public transit plans, including the portions of applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134; and~~

~~—— (ii) any transit capital development projects that the board of trustees would like the Transportation Commission to consider;~~

~~—— (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that the board of trustees determines, in consultation with the local advisory council created in Section 17B-2a-808.2, to be the most critical to the success of the organization;~~

~~—— (r) together with the local advisory council created in Section 17B-2a-808.2, hear audit reports for audits conducted in accordance with Subsection (2)(o);~~

~~—— [(s) review and approve all contracts pertaining to reduced fares, and evaluate existing contracts, including review of:]~~

~~—— [(i) how negotiations occurred;]~~

~~—— [(ii) the rationale for providing a reduced fare; and]~~

~~—— [(iii) identification and evaluation of cost shifts to offset operational costs incurred and impacted by each contract offering a reduced fare;]~~

~~—— [(t)] (s) in consultation with the local advisory council, develop and approve other board policies, ordinances, and bylaws; and~~

~~—— [(u)] (t) review and approve any:~~

~~—— (i) contract or expense exceeding \$200,000; or~~

~~—— (ii) proposed change order to an existing contract if the change order:~~

~~—— (A) increases the total contract value to \$200,000 or more;~~

~~—— (B) increases a contract of or expense of \$200,000 or more by 15% or more; or~~

~~—— (C) has a total change order value of \$200,000 or more.~~

~~—— (3) A board of trustees of a large public transit district may:~~

~~—— (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that~~

HB0164S01 compared with HB0164

are:

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

~~—— (ii) necessary for:~~

~~—— (A) the governance and management of the affairs of the district;~~

~~—— (B) the execution of district powers; and~~

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

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

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

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

~~—— (iii) approved by the executive director or other officer or deputy as the board prescribes;~~

~~—— (c) in consultation with the local advisory council created in Section 17B-2a-808.2:~~

~~—— (i) hold public hearings and subpoena witnesses; and~~

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

~~—— (d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(n).~~

~~—— (4) For a large public transit district in existence as of May 8, 2018, on or before September 30, 2019, the board of trustees of a large public transit district shall present a report to the Transportation Interim Committee regarding retirement benefits of the district, including:~~

~~—— (a) the feasibility of becoming a participating employer and having retirement benefits of eligible employees and officials covered in applicable systems and plans administered under Title 49, Utah State Retirement and Insurance Benefit Act;~~

~~—— (b) any legal or contractual restrictions on any employees that are party to a collectively bargained retirement plan; and~~

~~—— (c) a comparison of retirement plans offered by the large public transit district and similarly situated public employees, including the costs of each plan and the value of the benefit offered.~~

HB0164S01 compared with HB0164

~~— (5) The board of trustees may not issue a bond unless the board of trustees has consulted and received approval from the State Bonding Commission created in Section 63B-1-201.~~

~~— (6) A member of the board of trustees of a large public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.~~

~~— (7) (a) The vote of the board of trustees on each ordinance or resolution shall be by roll call vote with each affirmative and negative vote recorded.~~

~~— (b) The board of trustees of a large public transit district may not adopt an ordinance unless it is introduced at least 24 hours before the board of trustees adopts it.~~

~~— (c) Each ordinance adopted by a large public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.~~

~~— (8) (a) For a large public transit district in existence on May 8, 2018, for the budget for calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.~~

~~— (b) The budget described in Subsection (8)(a) shall include setting the salary of each of the members of the board of trustees that will assume control on or before November 1, 2018, which salary may not exceed \$150,000, plus additional retirement and other standard benefits, as set by the local advisory council as described in Section 17B-2a-808.2.~~

~~— (c) For a large public transit district in existence on May 8, 2018, the board of trustees that assumes control of the large public transit district on or before November 2, 2018, shall approve the calendar year 2019 budget on or before December 31, 2018.~~

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

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

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

(b) ~~‡A‡(i) Except as provided in Subsection (1)(b)(ii), a~~ large public transit district may not charge a fare for ~~‡any public transit‡~~ a bus service ~~‡provided by the‡~~ that is a regular, continuing, bus route.

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

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

HB0164S01 compared with HB0164

(B) a seasonal bus service.

(2) Rates and charges shall:

(a) be reasonable; and

(b) to the extent practicable:

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

(ii) be sufficient to:

(A) pay for district operating expenses;

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

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

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

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

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

(i) travel data, including:

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

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

(C) locations of use;

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

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

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

(b) Private records described in this Subsection (3) that are received by a public transit district may only be disclosed in accordance with Section 63G-2-202.