

Senator Kirk A. Cullimore proposes the following substitute bill:

SWITCHER AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill enacts provisions related to a switcher for railroad cars.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires that owners of switchers enter into agreements with the state by a specified date if a grant is received;
- ▶ authorizes grants related to switchers;
- ▶ addresses funding of grants and programs; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2-202, as last amended by Laws of Utah 2016, Chapter 321

19-2-203, as enacted by Laws of Utah 2014, Chapter 295



26 [19-2-204](#), as enacted by Laws of Utah 2014, Chapter 295

27 ENACTS:

28 [56-1-39](#), Utah Code Annotated 1953

29

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

31 Section 1. Section **19-2-202** is amended to read:

32 **19-2-202. Definitions.**

33 As used in this part:

34 (1) "Board" means the Air Quality Board.

35 (2) "Certified" means certified by the United States Environmental Protection Agency
36 or the California Air Resources Board to meet appropriate emission standards.

37 (3) "Cost" means the total reasonable cost of a project eligible for a grant under the
38 fund, including the cost of labor.

39 (4) "Director" means the director of the Division of Air Quality.

40 (5) "Division" means the Division of Air Quality, created in Subsection [19-1-105\(1\)\(a\)](#).

41 (6) "Eligible equipment" means equipment with engines, including stationary
42 generators and pumps, operated and, if applicable, permitted in Utah.

43 (7) "Eligible vehicle" means a vehicle operated and, if applicable, registered in Utah
44 that is:

45 (a) a medium-duty or heavy-duty transit bus;

46 (b) a school bus as defined in Section [53-3-102](#);

47 (c) a medium-duty or heavy-duty truck with a gross vehicle weight rating of at least
48 16,001 GVWR;

49 (d) a locomotive; or

50 (e) another type of vehicle identified by the board in rule as being a significant
51 potential source of air pollution, as defined in Section [19-2-102](#).

52 (8) "Switcher" means the same as that term is defined in Section [56-1-39](#).

53 [~~(8)~~] (9) "Verified" means verified by the United States Environmental Protection
54 Agency or the California Air Resources Board to reduce air emissions and meet durability
55 requirements.

56 Section 2. Section **19-2-203** is amended to read:

57 **19-2-203. Grants and programs -- Conditions.**

58 (1) The director may make grants for implementing:

59 (a) verified technologies for eligible vehicles or equipment; and

60 (b) certified vehicles, engines, or equipment.

61 (2) (a) Pursuant to Subsection (1), the director may make grants for the reduction of
62 switcher emissions.

63 (b) Subject to Subsection (2)(c), the division shall seek sources of funding in addition
64 to appropriations when making grants for the reduction of switcher emissions, including from:

65 (i) the Diesel Emissions Reduction Act program;

66 (ii) local government entities; and

67 (iii) private sources.

68 (c) If money other than appropriations is received, a grant made for the reduction of
69 switcher emissions shall be made using that money first, up to the maximum amount allowed
70 by that money's funding terms and conditions, and then may be supplemented by appropriated
71 money subject to Subsection (6)(b).

72 ~~[(2)]~~ (3) (a) The division may develop programs, including exchange, rebate, or
73 low-cost purchase programs, to encourage replacement of:

74 (i) landscaping and maintenance equipment with equipment that is lower in emissions;
75 and

76 (ii) other equipment or products identified by the board in rule as being a significant
77 potential source of air pollution, as defined in Subsection 19-2-102(3).

78 (b) The division may enter into agreements with local health departments to administer
79 the programs described in Subsection ~~[(2)]~~ (3)(a).

80 ~~[(3)]~~ (4) As a condition for receiving the grant, a person receiving a grant under
81 Subsection (1) or receiving a grant under this Subsection ~~[(3)]~~ (4) shall agree to:

82 (a) provide information to the division about the vehicles, equipment, or technology
83 acquired with the grant proceeds;

84 (b) allow inspections by the division to ensure compliance with the terms of the grant;

85 (c) permanently disable replaced vehicles, engines, and equipment from use; and

86 (d) comply with the conditions for the grant.

87 ~~[(4)]~~ (5) Grants and programs under Subsections (1) and ~~[(2)]~~ (3) may be administered

88 using a rebate program.

89 ~~[(5) Grants]~~ (6) (a) Subject to Subsection (6)(b), a grant issued under this section may
90 not exceed the actual cost of the project.

91 (b) For a grant issued under Subsection (2):

92 (i) grant money may not exceed 35% of the actual cost of the project;

93 (ii) the owner of a switcher shall provide at least 25% of the cost of the project; and

94 (iii) federal grants may be used for the remainder of the cost of the project.

95 Section 3. Section **19-2-204** is amended to read:

96 **19-2-204. Duties and authorities -- Rulemaking.**

97 (1) The board may, by following the procedures and requirements of Title 63G,
98 Chapter 3, Utah Administrative Rulemaking Act, make rules:

99 (a) specifying the amount of money to be dedicated annually for grants or
100 appropriations that allow both grants and programs;

101 (b) specifying criteria the director shall consider in prioritizing and awarding grants,
102 including:

103 (i) a preference for awarding a grant to an individual who has already secured some
104 other source of funding; and

105 (ii) a limitation on the types of vehicles that are eligible for funds;

106 (c) specifying the terms of a grant or exchange under Subsections **19-2-203**(2), (3),
107 ~~[and]~~ (4), and (5);

108 (d) specifying the procedures to be used in the grant and exchange programs authorized
109 in Subsections **19-2-203**(2), (3), ~~[and (5)]~~ (4), and (6); and

110 (e) requiring ~~[all grant applicants]~~ a grant applicant to apply on ~~[forms]~~ a form
111 provided by the division.

112 (2) The division shall:

113 (a) administer funds to encourage vehicle and equipment owners and operators to
114 reduce emissions from vehicles and equipment;

115 (b) provide forms for application for a grant or exchange under Subsection **19-2-203**(2)
116 ~~[or (3)]~~, (3) or (4); and

117 (c) provide information about which vehicles, engines, or equipment are certified and
118 which technology is verified as provided in this part.

119 (3) The division may inspect vehicles, equipment, or technology for which a grant was
120 made to ensure compliance with the terms of the grant.

121 Section 4. Section **56-1-39** is enacted to read:

122 **56-1-39. Switcher for railroad cars.**

123 (1) As used in this section, "switcher" means a railroad car designed or used solely for
124 the primary purpose of propelling railroad cars a short distance or assembling or disassembling
125 railroad cars.

126 (2) By no later than July 1, 2023, the owner of a switcher located at a rail yard in the
127 state that has four or more switchers at the rail yard shall enter into an agreement with the state
128 to replace four Tier 0+ switchers with four Tier 2 switchers if the owner receives a grant under
129 Section [19-2-203](#).