

RAILROAD RIGHT OF WAY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Revenue and Taxation Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 3 absent

General Description:

This bill enacts provisions related to improvements within railroad right of ways.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ authorizes a government entity to assess a railroad for any portion of the cost of a public infrastructure improvement, if:
 - the improvement is partially or wholly within the railroad's right of way;
 - the improvement provides a benefit to the railroad; and
 - the assessment is proportionate to the railroad's benefit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

56-1-39, Utah Code Annotated 1953



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

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

56-1-39. Assessment for right of way infrastructure improvements.

(1) As used in this section:

(a) "Benefit" includes enhanced property value, enhanced safety or efficiency, reduced costs, and liability avoidance.

(b) "Government entity" means the state or a county, city, town, metro township, local district, or special service district.

(c) "Right of way infrastructure improvement" means construction, reconstruction, repair, or maintenance of public infrastructure that:

(i) is paid for by a government entity; and

(ii) (A) is partially or wholly within a railroad's right of way; or

(B) crosses over a railroad's right of way.

(d) "Public infrastructure" means any of the following improvements:

(i) a system or line for water, sewer, drainage, electrical, or telecommunications;

(ii) a street, road, curb, gutter, sidewalk, walkway, or bridge;

(iii) signage or signaling related to an improvement described in Subsection (1)(d)(i) or (ii); or

(iv) any other improvement similar to the improvements described in Subsections (1)(d)(i) through (iii).

(2) A government entity may, to the extent allowed, assess a railroad for any portion of the cost of a right of way infrastructure improvement, if:

(a) the government entity determines that the right of way infrastructure improvement provides a benefit to the railroad;

(b) the amount of the assessment is proportionate to the benefit the railroad receives, as determined by the government entity; and

(c) the government entity uses the assessment to pay for or as reimbursement for the cost of the right of way infrastructure improvement and not for the general support of the government entity.

(3) If more than one government entity assesses a railroad for the same right of way

59 infrastructure improvement, the total amount of the assessments may not exceed the amount
60 described in Subsection (2)(b).

61 (4) This section does not apply to a railroad that is exempt from assessment under 49
62 U.S.C. Sec. 24301 or a railroad owned by a government entity.