

**Representative Casey Snider** proposes the following substitute bill:

**RAILROAD RIGHT OF WAY AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

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

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

28 **56-1-39. Assessment for right of way infrastructure improvements.**

29 (1) As used in this section:

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

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

34 (c) "Railroad" means a rail carrier that:

35 (i) is a Class I railroad, as classified by the federal Surface Transportation Board; and

36 (ii) is not exempt from assessment under 49 U.S.C. Sec. 24301.

37 (d) (i) "Right of way infrastructure improvement" means construction, reconstruction,  
38 repair, or maintenance of public infrastructure that:

39 (A) is paid for by a government entity; and

40 (B) is partially or wholly within a railroad's right of way or crosses over a railroad's  
41 right of way.

42 (ii) "Right of way infrastructure improvement" includes any component of

43 construction, reconstruction, repair, or maintenance of public infrastructure, including:

44 (A) any environmental impact study, environmental mitigation, or environmental  
45 project management; and

46 (B) any required or requested review by a non-governmental entity.

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

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

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

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

52 (iv) an environmental improvement; or

53 (v) any other improvement similar to the improvements described in Subsections

54 (1)(e)(i) through (iv).

55 (2) A government entity may, to the extent allowed under federal law, assess a railroad  
56 for any portion of the cost of a right of way infrastructure improvement, including any cost

57 attributable to delay, if:

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

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

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

65 (3) If more than one government entity assesses a railroad for the same right of way  
66 infrastructure improvement, the total amount of the assessments may not exceed the amount  
67 described in Subsection (2)(b).