

HB0051S01 compared with HB0051

~~{deleted text}~~ shows text that was in HB0051 but was deleted in HB0051S01.

inserted text shows text that was not in HB0051 but was inserted into HB0051S01.

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 Casey Snider proposes the following substitute bill:

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

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- 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

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) "Railroad" means a rail carrier that:

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

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

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

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

(~~f~~~~i~~) (~~A~~) ~~B~~ is partially or wholly within a railroad's right of way ~~(~~f~~~~i~~)~~ or ~~(~~f~~~~i~~)~~

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

(ii) "Right of way infrastructure improvement" includes any component of construction, reconstruction, repair, or maintenance of public infrastructure, including:

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

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

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

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(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)(~~de~~) (i) or (ii);

(iv) an environmental improvement; or

(~~iv~~y) any other improvement similar to the improvements described in Subsections

(1)(~~de~~) (i) through (~~iii~~iv).

(2) A government entity may, to the extent allowed **under federal law**, assess a railroad for any portion of the cost of a right of way infrastructure improvement, **including any cost attributable to delay**, 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 infrastructure improvement, the total amount of the assessments may not exceed the amount described in Subsection (2)(b).

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

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