

HB0051S04 compared with HB0051S03

~~{deleted text}~~ shows text that was in HB0051S03 but was deleted in HB0051S04.

inserted text shows text that was not in HB0051S03 but was inserted into HB0051S04.

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}~~Senator Michael K. McKell proposes the following substitute bill:

RAILROAD RIGHT OF WAY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

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:

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None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

ENACTS:

56-1-39, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

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) (i) "Railroad" means a rail carrier that is a Class I railroad, as classified by the federal Surface Transportation Board.

(ii) "Railroad" does not include a rail carrier that is:

(A) exempt from assessment under 49 U.S.C. Sec. 24301; or

(B) owned by a government entity.

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

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

(B) is partially or wholly within a railroad's right of way or 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

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project management; and

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

(e) "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)(e)(i) or

(ii);

(iv) an environmental improvement; or

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

(1)(e)(i) through (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) (a) If two or more government entities have authority under this section to assess a railroad for the same right of way infrastructure improvement, the Department of Transportation shall:

(i) determine the amount of each government entity's assessment in accordance with Subsection (2);

(ii) assess the railroad for the total of all amounts described in Subsection (3)(a)(i); and

(iii) distribute the collected assessments to each government entity.

(b) The total amount of an assessment under this Subsection (3) may not exceed the amount described in Subsection (2)(b).

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to establish a process for implementing the

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provisions of this Subsection (3).

Section 2. Effective date.

This bill takes effect on March 31, 2024.

Section ~~2~~3. **Coordinating H.B. 51 with H.B. 63 -- Changing terminology.**

If this H.B. 51 and H.B. 63, Office of Rail Safety, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, change the terminology in Subsection 56-1-39(3)(a) in this H.B. 51 from "Department of Transportation" to "Office of Rail Safety created in Section 72-17-101."