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**PARATRANSIT SERVICES AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

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

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**LONG TITLE**

**General Description:**

This bill requires a public transit district to provide alternative services if the public transit district discontinues paratransit services.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a public transit district to provide alternative services if the public transit district discontinues paratransit services; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-2a-802**, as last amended by Laws of Utah 2022, Chapters 69, 406

**17B-2a-823**, as last amended by Laws of Utah 2019, Chapter 136

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

Section 1. Section **17B-2a-802** is amended to read:



28 **17B-2a-802. Definitions.**

29 As used in this part:

30 (1) "Affordable housing" means housing occupied or reserved for occupancy by  
31 households that meet certain gross household income requirements based on the area median  
32 income for households of the same size.

33 (a) "Affordable housing" may include housing occupied or reserved for occupancy by  
34 households that meet specific area median income targets or ranges of area median income  
35 targets.

36 (b) "Affordable housing" does not include housing occupied or reserved for occupancy  
37 by households with gross household incomes that are more than 60% of the area median  
38 income for households of the same size.

39 (2) "Appointing entity" means the person, county, unincorporated area of a county, or  
40 municipality appointing a member to a public transit district board of trustees.

41 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a  
42 small public transit district to serve as chief executive officer.

43 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities  
44 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and  
45 responsibilities assigned to the general manager but prescribed by the board of trustees to be  
46 fulfilled by the chief executive officer.

47 (4) "Council of governments" means a decision-making body in each county composed  
48 of membership including the county governing body and the mayors of each municipality in the  
49 county.

50 (5) "Department" means the Department of Transportation created in Section 72-1-201.

51 (6) "Executive director" means a person appointed by the board of trustees of a large  
52 public transit district to serve as executive director.

53 (7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

54 (8) "Fixed guideway capital development" means the same as that term is defined in  
55 Section 72-1-102.

56 (9) "Fixed route service" means a transportation service where a public transit vehicle  
57 travels along a predetermined route and stops at predetermined locations to pick up individuals  
58 seeking public transportation to be taken to the individual's desired destination along the

59 predetermined route.

60 [~~(9)~~] (10) (a) "General manager" means a person appointed by the board of trustees of a  
61 small public transit district to serve as general manager.

62 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in  
63 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public  
64 transit district.

65 [~~(10)~~] (11) "Large public transit district" means a public transit district that provides  
66 public transit to an area that includes:

67 (a) more than 65% of the population of the state based on the most recent official  
68 census or census estimate of the United States Census Bureau; and

69 (b) two or more counties.

70 [~~(11)~~] (12) (a) "Locally elected public official" means a person who holds an elected  
71 position with a county or municipality.

72 (b) "Locally elected public official" does not include a person who holds an elected  
73 position if the elected position is not with a county or municipality.

74 [~~(12)~~] (13) "Metropolitan planning organization" means the same as that term is  
75 defined in Section 72-1-208.5.

76 [~~(13)~~] (14) "Multicounty district" means a public transit district located in more than  
77 one county.

78 [~~(14)~~] (15) "Operator" means a public entity or other person engaged in the  
79 transportation of passengers for hire.

80 (16) "Paratransit service" means a transportation service provided to an individual with  
81 physical, cognitive, or visual disabilities who is functionally unable to independently use a  
82 public transit district's fixed route services either permanently or temporarily.

83 [~~(15)~~] (17) (a) "Public transit" means regular, continuing, shared-ride, surface  
84 transportation services that are open to the general public or open to a segment of the general  
85 public defined by age, disability, or low income.

86 (b) "Public transit" does not include transportation services provided by:

87 (i) chartered bus;

88 (ii) sightseeing bus;

89 (iii) taxi;

90 (iv) school bus service;

91 (v) courtesy shuttle service for patrons of one or more specific establishments; or

92 (vi) intra-terminal or intra-facility shuttle services.

93 ~~[(16)]~~ (18) "Public transit district" means a local district that provides public transit  
94 services.

95 ~~[(17)]~~ (19) "Small public transit district" means any public transit district that is not a  
96 large public transit district.

97 ~~[(18)]~~ (20) "Station area plan" means a plan developed and adopted by a municipality  
98 in accordance with Section [10-9a-403.1](#).

99 ~~[(19)]~~ (21) "Transit facility" means a transit vehicle, transit station, depot, passenger  
100 loading or unloading zone, parking lot, or other facility:

101 (a) leased by or operated by or on behalf of a public transit district; and

102 (b) related to the public transit services provided by the district, including:

103 (i) railway or other right-of-way;

104 (ii) railway line; and

105 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
106 a transit vehicle.

107 ~~[(20)]~~ (22) "Transit vehicle" means a passenger bus, coach, railcar, van, or other  
108 vehicle operated as public transportation by a public transit district.

109 ~~[(21)]~~ (23) "Transit-oriented development" means a mixed use residential or  
110 commercial area that is designed to maximize access to public transit and includes the  
111 development of land owned by a large public transit district.

112 ~~[(22)]~~ (24) "Transit-supportive development" means a mixed use residential or  
113 commercial area that is designed to maximize access to public transit and does not include the  
114 development of land owned by a large public transit district.

115 Section 2. Section **17B-2a-823** is amended to read:

116 **17B-2a-823. Public transit district special services.**

117 (1) As used in this section, "bureau" means a recreational, tourist, or convention bureau  
118 under Title 17, Chapter 31, Recreational, Tourist, and Convention Bureaus.

119 (2) (a) A public transit district may lease its buses to private certified public carriers or  
120 operate transit services requested by a public entity if a bureau certifies that privately owned

121 carriers furnishing like services or operating like equipment within the area served by the  
122 bureau:

- 123 (i) have declined to provide the service; or
- 124 (ii) do not have the equipment necessary to provide the service.

125 (b) A public transit district may lease its buses or operate services as authorized under  
126 Subsection (2)(a) outside of the area served by the district.

127 (3) If part or all of the transportation services are paid for by public funds, a public  
128 transit district may:

129 (a) provide school bus services for transportation of pupils and supervisory personnel  
130 between homes and school and other related school activities within the area served by the  
131 district; or

132 (b) provide the transportation of passengers covered by a program within the district  
133 for people who are elderly or who have a disability.

134 (4) (a) If a public transit district provides paratransit services described in Subsection  
135 (3) to an individual with a disability, and the public transit district discontinues the fixed route  
136 service for which the individual's paratransit service is dependent, the public transit district  
137 shall either:

- 138 (i) continue to provide the individual the same paratransit services; or
- 139 (ii) provide the individual an alternative form of transportation for the individual.
- 140 (b) The alternative form of transportation described in Subsection (4)(a)(i), as

141 compared to the paratransit service, shall:

142 (i) provide the individual with a form of transportation that:

- 143 (A) is similar in mode of transit; and
- 144 (B) the individual is physically and cognitively able to use;

145 (ii) provide the individual the same:

- 146 (A) origin to destination services; and
- 147 (B) door to curb services; and

148 (iii) have equal or lesser cost to the individual.

149 ~~[(4)]~~ (5) Notwithstanding the provisions in Subsection (3), a municipality or county is  
150 not prohibited from providing the transportation services identified in Subsection (3).