

HOUSE BILL 598

By Powell

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 54, Chapter 1; Title 64 and Title 65, relative to
transportation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 23, is amended by adding the following as a new section:

(a) The general assembly finds that there is a compelling public need to provide a balanced multimodal transportation system that enhances the service capabilities of passenger and freight rail, public transportation, highways, aviation, and waterways and that it is in the public interest to ensure that passenger and freight rail and public transportation are full participants in that multimodal system to reduce energy consumption, congestion, and air pollution; to enhance the environment; to support economic development; and to ensure the efficient movement of goods and people. Accordingly, the general assembly finds that this section is necessary for the public convenience, safety, and welfare.

(b) There is hereby created an office of rail and public transportation within the department. The office of rail and public transportation shall be headed by a director who is to be appointed by and serve at the pleasure of the governor. The director shall represent the department in meetings dealing with passenger and freight rail and public transportation issues.

(c) Except such services as are performed by the department pursuant to law, the director may do all acts necessary or convenient for establishing, maintaining, improving, and promoting passenger and freight rail and public transportation in this

state and to procure architectural and engineering services for rail and public transportation projects.

(d) The office of rail and public transportation may:

(1) Accept grants from the federal government and agencies and instrumentalities of the federal government or any other source. To these ends, the office has the power to comply with such conditions and execute such agreements as may be necessary, convenient, or desirable;

(2) Make and enter into all contracts and agreements necessary or incidental to the performance of the office's duties and the execution of its powers under this section, including contracts with:

(A) The federal government;

(B) Other states;

(C) State departments and agencies, regional authorities, and political subdivisions of this state; and

(D) Other appropriate public and private entities;

(3) Assist other appropriate entities, public or private, in the implementation and improvement of passenger and freight rail and public transportation services and the retention of rail corridors for public purposes;

(4) Represent and promote the state's interests in passenger and freight rail and public transportation; and

(5) If determined to be for the common good of this state or a region of this state:

(A) Acquire and hold title to the land necessary to construct railway lines in order to reduce traffic congestion on highways and shift traffic to rail transportation;

(B) Acquire, lease, improve, and construct railway lines, passenger and freight rail and public transportation facilities, and passenger and freight rail and public transportation equipment; and

(C) Assist other appropriate entities in the implementation and improvement of passenger and freight rail and public transportation services and the retention of rail corridors for public purposes.

(e) The office of rail and public transportation shall:

(1) Determine present and future needs for, and economic feasibility of providing, public transportation and the retention, improvement, and addition of passenger and freight rail transportation in this state;

(2) Formulate and implement plans and programs for the establishment, improvement, development, and coordination of public transportation and the development, retention, and improvement of passenger and freight rail transportation services and corridors in this state, including lines for higher speed passenger rail that will shift traffic from the highways to passenger rail and thereby reduce traffic congestion, and coordinate related transportation demand management and innovative technological transportation initiatives with the department;

(3) Coordinate with the department in the conduct of research, policy analysis, and planning for the rail and public transportation modes as may be appropriate to alleviate traffic congestion on highways by shifting traffic to passenger rail and to ensure the provision of effective, safe, and efficient public transportation and passenger and freight rail services in this state;

(4)

(A) Develop uniform financial and operating data on and criteria for evaluating all public transportation activities in this state;

(B) Develop specific methodologies for the collection of the data by public transit operators;

(C) Regularly and systematically verify the data by means of financial audits and periodic field reviews of operating data collection methodologies; and

(D) Develop other information as may be required to evaluate the performance and improve the economy or efficiency of public transit or passenger and freight rail operations in this state;

(5) Compile and maintain an up-to-date inventory of all abandoned railroad corridors in this state that have been abandoned after January 1, 1970;

(6) Provide training and other technical support services to transportation operators as may be appropriate to improve public transportation and passenger and freight rail services;

(7) Maintain liaisons with state, local, regional, and federal agencies or other entities, private and public, having responsibilities for passenger and freight rail and public transportation programs;

(8) Receive, administer, and allocate planning, operating, capital, and other grant programs from the federal transit administration, the federal railroad administration, the federal highway administration, and other agencies of the federal government for passenger and freight rail and public transportation purposes and to comply with all conditions attendant to the programs;

(9) Administer all state grants for rail transportation and public transportation;

(10) Promote the use of passenger and freight rail services and public transportation to improve the mobility of residents of this state and the transportation of goods;

(11) Represent the state and the department on local, regional, and national agencies, industry associations, committees, task forces, and other entities, public and private, having responsibility for passenger and freight rail and public transportation;

(12) Represent the state's interests in passenger and freight rail and public transportation and coordinate with the department in the planning, location, design, construction, implementation, monitoring, evaluation, purchase, and rehabilitation of facilities and services that affect or are used by passenger and freight rail or public transportation;

(13) Coordinate with applicable departments and agencies on all matters dealing with rail safety inspections and rail regulations that fall within their purview;

(14) Prepare and review state legislation and recommendations on federal legislation and regulations as directed by the commissioner;

(15) Promote public transportation and passenger and freight rail safety;
and

(16) Ensure the safety of rail fixed guideway transit systems within this state and carry out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the federal transit administration and federal law. For a rail fixed guideway transit system operated within this state pursuant to an interstate compact, the office of rail and public transportation shall

perform its oversight responsibilities in accordance with the interstate compact governing the operation of such system and any applicable federal law.

(f)

(1) The office of rail and public transportation shall develop guidelines for the development of strategic plans for transit agencies that serve a municipality or a county having a metropolitan form of government with a population of more than one hundred fifty thousand (150,000), according to the 2020 federal census or any subsequent federal census area.

(2) The guidelines must include information concerning the following:

(A) Assessing state of good repair needs;

(B) Reviewing the performance of fixed-route bus service, including schedules, route design, connectivity, and vehicle sizes;

(C) Evaluating opportunities to improve operating efficiency of the transit network, including reliability of trips and travel speed;

(D) Examining and identifying opportunities to share services where multiple transit providers' services overlap;

(E) Examining opportunities to improve service in underserved areas; and

(F) Developing a regional transit planning process in cooperation with a federally designated metropolitan planning organization, including the identification and prioritization of projects, the establishment of performance benchmarks that incorporate state and federal requirements, the development and implementation of a regional subsidy allocation model, and the distribution of funds solely designated for transit and rail.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.