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**STATEWIDE COMPREHENSIVE RAIL PLAN**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill requires the Department of Transportation to lead in the development of a statewide comprehensive rail plan.

**Highlighted Provisions:**

This bill:

- ▶ requires the Department of Transportation to develop a statewide comprehensive plan for public transit, freight, and any other use of fixed rail to fully and efficiently integrate all uses of rail within the state;
- ▶ allows the department to contract with a consultant to assist in the development of the plan; and
- ▶ requires an annual report to the Transportation Interim Committee and the Economic Development and Workforce Services Interim Committee.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-1-201**, as last amended by Laws of Utah 2019, Chapter 431

ENACTS:



28 [72-1-215](#), Utah Code Annotated 1953



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

31 Section 1. Section **72-1-201** is amended to read:

32 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**  
33 **rights, and responsibilities.**

34 (1) There is created the Department of Transportation which shall:

35 (a) have the general responsibility for planning, research, design, construction,  
36 maintenance, security, and safety of state transportation systems;

37 (b) provide administration for state transportation systems and programs;

38 (c) implement the transportation policies of the state;

39 (d) plan, develop, construct, and maintain state transportation systems that are safe,  
40 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and  
41 industry;

42 (e) establish standards and procedures regarding the technical details of administration  
43 of the state transportation systems as established by statute and administrative rule;

44 (f) advise the governor and the Legislature about state transportation systems needs;

45 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective  
46 installation, maintenance, operation, relocation, and upgrade of utilities within state highway  
47 rights-of-way;

48 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
49 make rules for the administration of the department, state transportation systems, and  
50 programs;

51 (i) jointly with the commission annually report to the Transportation Interim  
52 Committee, by November 30 of each year, as to the operation, maintenance, condition,  
53 mobility, and safety needs for state transportation systems;

54 (j) ensure that any training or certification required of a public official or public  
55 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
56 22, State Training and Certification Requirements, if the training or certification is required:

57 (i) under this title;

58 (ii) by the department; or

59 (iii) by an agency or division within the department; [~~and~~]  
60 (k) study and make recommendations to the Legislature on potential managed lane use  
61 and implementation on selected transportation systems within the state[-]; and

62 (l) develop a statewide comprehensive rail plan as described in Section 72-1-215.

63 (2) (a) The department shall exercise reasonable care in designing, constructing, and  
64 maintaining a state highway in a reasonably safe condition for travel.

65 (b) Nothing in this section shall be construed as:

66 (i) creating a private right of action; or

67 (ii) expanding or changing the department's common law duty as described in  
68 Subsection (2)(a) for liability purposes.

69 Section 2. Section 72-1-215 is enacted to read:

70 **72-1-215. Comprehensive statewide rail plan -- Report.**

71 (1) The department shall develop a statewide comprehensive rail plan to create a  
72 strategic vision for utilization, expansion, and interoperability of fixed rail lines in the state that  
73 efficiently increase the share of travel on passenger rail and movement of freight by rail by  
74 improving access, reliability, dependability, frequency, and efficiency.

75 (2) (a) The department shall develop a rail plan to integrate all uses of fixed rail within  
76 the state to implement best practices, including evaluation of:

77 (i) integration with the:

78 (A) Utah State Rail Plan developed by the department;

79 (B) long-range transportation plan developed by the department; and

80 (C) long-range regional transportation plans developed by the state's metropolitan  
81 planning organizations;

82 (ii) integration and interoperability of public transit and freight rail lines;

83 (iii) parallel tracking of multiple lines along various corridors;

84 (iv) innovative technologies to improve efficiency;

85 (v) electricity and other alternative fuel options;

86 (vi) integration with development of inland port facilities;

87 (vii) maximization of transit-oriented development opportunities;

88 (viii) optimization of methodology to capture value added through infrastructure  
89 development;

90 (ix) innovative funding sources and mechanisms; and  
91 (x) economic development opportunity through integration and coordination.  
92 (b) (i) The department shall create the rail plan in two phases as described in  
93 Subsections (2)(b)(ii) and (iii).  
94 (ii) (A) For phase one of the rail plan development, the department shall, without  
95 consideration of cost, determine the optimal rail plan to achieve the operational and service  
96 goals as described in this section.  
97 (B) While developing an optimal rail plan as described in Subsection (2)(b)(ii)(A), the  
98 department shall consult with any large public transit district, as described in Section  
99 17B-2a-802, to consider the large public transit district's strategic business plan for commuter  
100 rail.  
101 (iii) For phase two of the rail plan development, the department shall determine the  
102 most efficient, cost-effective, and strategic approach to implementation of the rail plan,  
103 accounting for all aspects of implementation, including:  
104 (A) cost and funding challenges;  
105 (B) legal issues related to interoperability and compliance with federal law; and  
106 (C) any other challenges to implementation of the rail plan.  
107 (3) To develop the rail plan, the department shall consult with relevant entities,  
108 including:  
109 (a) public transit providers;  
110 (b) state and local governments;  
111 (c) relevant federal agencies;  
112 (d) metropolitan planning organizations; and  
113 (e) private rail companies.  
114 (4) The department may contract with a consultant to assist in developing the rail plan.  
115 (5) Beginning in 2021, the department shall annually provide a report of the rail plan to  
116 the Transportation Interim Committee and the Economic Development and Workforce Services  
117 Interim Committee of the Legislature.