

Senator Kathleen Riebe proposes the following substitute bill:

STATEWIDE COMPREHENSIVE RAIL PLAN

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Suzanne Harrison

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;
- ▶ requires the department to provide information and opportunity for public comment;
- ▶ 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:



26 AMENDS:

27 [72-1-201](#), as last amended by Laws of Utah 2019, Chapter 431

28 ENACTS:

29 [72-1-215](#), Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (j) ensure that any training or certification required of a public official or public
56 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter

57 22, State Training and Certification Requirements, if the training or certification is required:

58 (i) under this title;

59 (ii) by the department; or

60 (iii) by an agency or division within the department; [~~and~~]

61 (k) study and make recommendations to the Legislature on potential managed lane use

62 and implementation on selected transportation systems within the state[-]; and

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

64 (2) (a) The department shall exercise reasonable care in designing, constructing, and

65 maintaining a state highway in a reasonably safe condition for travel.

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

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

68 (ii) expanding or changing the department's common law duty as described in

69 Subsection (2)(a) for liability purposes.

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

71 **72-1-215. Comprehensive statewide rail plan -- Report.**

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

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

78 (i) integration with the:

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

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

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

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

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

85 (iv) innovative technologies to improve efficiency;

86 (v) electricity and other alternative fuel options;

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

88 (vii) maximization of transit-oriented development opportunities;
89 (viii) optimization of methodology to capture value added through infrastructure
90 development;

91 (ix) innovative funding sources and mechanisms; and
92 (x) economic development opportunity through integration and coordination.

93 (b) (i) The department shall create the rail plan in two phases as described in
94 Subsections (2)(b)(ii) and (iii).

95 (ii) (A) For phase one of the rail plan development, the department shall, without
96 consideration of cost, determine the optimal rail plan to achieve the operational and service
97 goals as described in this section.

98 (B) While developing an optimal rail plan as described in Subsection (2)(b)(ii)(A), the
99 department shall consult with any large public transit district, as described in Section
100 17B-2a-802, to consider the large public transit district's strategic business plan for commuter
101 rail.

102 (iii) For phase two of the rail plan development, the department shall determine the
103 most efficient, cost-effective, and strategic approach to implementation of the rail plan,
104 accounting for all aspects of implementation, including:

105 (A) cost and funding challenges;

106 (B) legal issues related to interoperability and compliance with federal law; and

107 (C) any other challenges to implementation of the rail plan.

108 (3) (a) To develop the rail plan, the department shall consult with relevant entities,
109 including:

110 (i) public transit providers;

111 (ii) state and local governments;

112 (iii) relevant federal agencies;

113 (iv) metropolitan planning organizations; and

114 (v) private rail companies.

115 (b) (i) The department shall provide a link on the department website to provide:

116 (A) information regarding the consultant chosen by the department as described in
117 Subsection (4);

118 (B) information to the public regarding the rail planning process and progress,

119 including a description of the geographical areas being studied; and

120 (C) a dedicated email address to allow the public to provide comments regarding the
121 rail development plan.

122 (ii) The department shall have no less than two public meetings each year to:

123 (A) provide information regarding the rail planning process and progress; and

124 (B) an opportunity for the public to provide comments regarding the rail development
125 plan.

126 (iii) In the final public meeting each year, the department shall provide and describe
127 any findings or actions taken by the department related to the rail plan.

128 (4) The department may contract with a consultant to assist in developing the rail plan.

129 (5) Beginning in 2021, the department shall annually provide a report of the rail plan to
130 the Transportation Interim Committee and the Economic Development and Workforce Services
131 Interim Committee of the Legislature.