

Chapter 434

S.B. No. 1523

1 AN ACT

2 relating to the creation of the state safety oversight program for  
3 rail fixed guideway public transportation systems.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Chapter 455, Transportation Code,  
6 is amended to read as follows:

7 CHAPTER 455. [~~GENERAL~~] POWERS AND DUTIES OF DEPARTMENT OF  
8 TRANSPORTATION REGARDING MASS TRANSPORTATION

9 SECTION 2. Chapter 455, Transportation Code, is amended by  
10 designating Sections 455.001 through 455.004 as Subchapter A and  
11 adding a subchapter heading to read as follows:

12 SUBCHAPTER A. GENERAL POWERS AND DUTIES

13 SECTION 3. Section 455.002, Transportation Code, is amended  
14 to read as follows:

15 Sec. 455.002. DEPARTMENT POWERS REGARDING MASS  
16 TRANSPORTATION. The Texas Department of Transportation may:

17 (1) purchase, construct, lease, and contract for  
18 public transportation systems;

19 (2) use the expertise of recognized private  
20 authorities or consultants to plan and design public and mass  
21 transportation systems;

22 (3) represent this state in each public and mass  
23 transportation matter before a state or federal agency;

24 (4) subject to Section 455.052, apply for and receive

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1 a gift or grant from a governmental or private source for use in  
2 performing the department's functions under this chapter;

3 (5) contract as necessary to perform a function under  
4 this chapter; and

5 (6) recommend legislation necessary to advance this  
6 state's interest in public and mass transportation.

7 SECTION 4. Chapter 455, Transportation Code, is amended by  
8 adding Subchapter B to read as follows:

9 SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

10 Sec. 455.051. DEFINITION. In this subchapter, "rail fixed  
11 guideway public transportation system" has the meaning assigned by  
12 49 C.F.R. Section 674.7.

13 Sec. 455.052. DESIGNATION OF STATE SAFETY OVERSIGHT AGENCY;  
14 REQUIREMENTS AND PROHIBITIONS. (a) The department is designated  
15 as the agency responsible for implementing a state safety oversight  
16 program that satisfies the requirements of 49 U.S.C. Section  
17 5329(e).

18 (b) Unless waived under 49 U.S.C. Section 5329(e), the  
19 department:

20 (1) shall be financially and legally independent from  
21 any rail fixed guideway public transportation system under the  
22 oversight of the department; and

23 (2) may not employ an individual who is also employed  
24 by a rail fixed guideway public transportation system under the  
25 oversight of the department.

26 (c) The department may not directly provide public  
27 transportation services in an area with a rail fixed guideway

1 public transportation system under the oversight of the department.

2 (d) A public transportation entity may not provide funds to  
3 the department.

4 Sec. 455.053. OVERSIGHT. The department shall oversee all  
5 safety aspects of rail fixed guideway public transportation systems  
6 in accordance with 49 U.S.C. Section 5329, including the  
7 development, implementation, and application of the public  
8 transportation agency safety plan.

9 Sec. 455.054. ENFORCEMENT. The department shall:

10 (1) enforce federal and state laws on rail fixed  
11 guideway public transportation safety;

12 (2) review, revise, approve, oversee, and enforce the  
13 public transportation agency safety plan required under 49 U.S.C.  
14 Section 5329(d), including the implementation by a rail fixed  
15 guideway public transportation system of the system's plan;

16 (3) investigate and enforce the safety of rail fixed  
17 guideway public transportation systems; and

18 (4) coordinate all enforcement responsibilities with  
19 other governmental entities as needed.

20 Sec. 455.055. STAFFING LEVELS; TRAINING. (a) The  
21 department, in consultation with the Federal Transit  
22 Administration, shall determine an appropriate staffing level for  
23 the state safety oversight program that is commensurate with the  
24 number, size, and complexity of rail fixed guideway public  
25 transportation systems in this state.

26 (b) The department shall ensure that the personnel who are  
27 responsible for rail fixed guideway public transportation safety

1 oversight are qualified to perform oversight functions through  
2 appropriate training, including the successful completion of the  
3 public transportation safety certification training program  
4 established under 49 U.S.C. Section 5329(c).

5 Sec. 455.056. AUDIT OF COMPLIANCE WITH PUBLIC  
6 TRANSPORTATION AGENCY SAFETY PLAN. At least once every three  
7 years, the department shall audit the compliance of the rail fixed  
8 guideway public transportation systems in this state with the  
9 public transportation agency safety plan required by 49 U.S.C.  
10 Section 5329(d).

11 Sec. 455.057. ANNUAL STATUS REPORT. The department shall  
12 provide an annual status report on the safety of the state's rail  
13 fixed guideway public transportation systems to the governor, the  
14 lieutenant governor, the speaker of the house of representatives,  
15 the Federal Transit Administration, and the governing body of each  
16 rail fixed guideway public transportation system under the  
17 oversight of the department.

18 Sec. 455.058. USE OF CONTRACTOR. (a) The department may  
19 enter into an agreement with a contractor to act on behalf of the  
20 department in carrying out the duties of the department under this  
21 subchapter.

22 (b) A contractor may not provide services to both the  
23 department and a rail fixed guideway public transportation system  
24 under the oversight of the department unless the provision of those  
25 services is authorized by a waiver issued by the Federal Transit  
26 Administrator or the administrator's designee.

27 Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected

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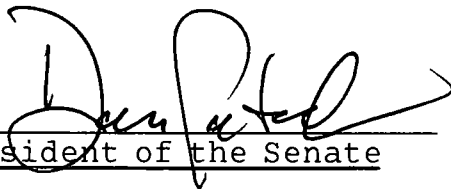
1 for and the report of an investigation conducted under this  
2 subchapter by the department or a contractor acting on behalf of the  
3 department and any part of a rail fixed guideway public  
4 transportation system safety plan that concerns security for the  
5 system are confidential and not subject to disclosure under Chapter  
6 552, Government Code.

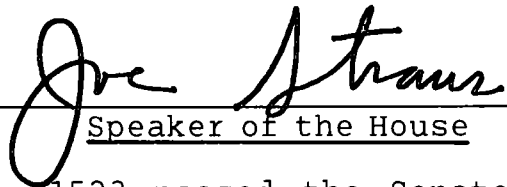
7 Sec. 455.060. RULES. The commission shall adopt rules  
8 necessary to implement this subchapter.

9 SECTION 5. Section 455.005, Transportation Code, is  
10 repealed.

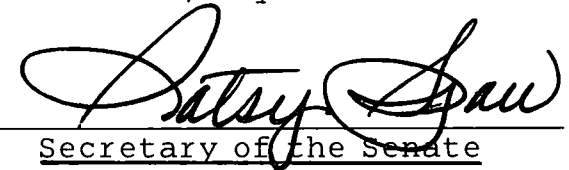
11 SECTION 6. Not later than March 1, 2019, the Texas  
12 Transportation Commission shall adopt rules to implement  
13 Subchapter B, Chapter 455, Transportation Code, as added by this  
14 Act.

15 SECTION 7. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2017.

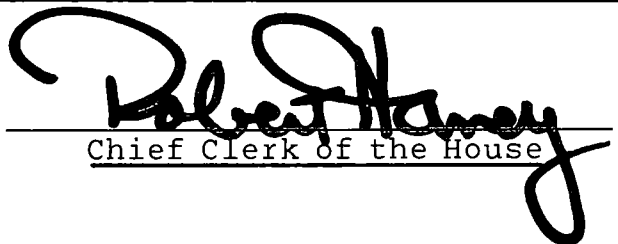
  
President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 1523 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

  
Secretary of the Senate

I hereby certify that S.B. No. 1523 passed the House on May 19, 2017, by the following vote: Yeas 144, Nays 0, two present not voting. \_\_\_\_\_

  
Chief Clerk of the House

Approved:

5-31-2017  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 pm O'CLOCK

JUN 01 2017  
  
Secretary of State

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 28, 2017**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1523** by Nichols (Relating to the creation of the state safety oversight program for rail fixed guideway public transportation systems.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 455 of the Transportation Code to require the Texas Department of Transportation (TxDOT) implement a state safety oversight program for rail fixed guideway public transportation systems in Texas in accordance with 49 U.S.C. Section 5329. The bill would require TxDOT to investigate and enforce the safety of rail fixed guideway public transportation systems and coordinate enforcement responsibilities with other governmental entities as needed. The bill would require TxDOT, in consultation with the Federal Transit Administration, to determine an appropriate staffing level for the state safety oversight program. The bill would require TxDOT to audit public transportation agency compliance with federally required safety plans and provide an annual status report on safety of the state's rail fixed guideway public transportation systems. The bill would require the Texas Transportation Commission to adopt rules to implement the program no later than March 1, 2019. The bill would repeal Transportation Code §455.005, which establishes TxDOT's current rail fixed guideway mass transportation system safety oversight program.

TxDOT indicates that the bill would add investigation and enforcement authority to its current state safety oversight program responsibilities in accordance with current federal laws and regulations. TxDOT receives federal grant funding at an 80-20 federal/state match to fund the administration of the current state safety oversight program. Based on LBB's analysis of the information provided by TxDOT, it is assumed any additional costs or duties associated with implementing the bill could be absorbed within the agency's current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, EH, TG