

Amend CSSB 312 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

SUBCHAPTER A. GENERAL POWERS AND DUTIES

SECTION _____. Section 455.002, Transportation Code, is amended to read as follows:

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

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

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

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

(4) subject to Section 455.052, apply for and receive a gift or grant from a governmental or private source for use in performing the department's functions under this chapter;

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

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

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

SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

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

Sec. 455.052. DESIGNATION OF STATE SAFETY OVERSIGHT AGENCY; REQUIREMENTS AND PROHIBITIONS. (a) The department is designated as

the agency responsible for implementing a state safety oversight program that satisfies the requirements of 49 U.S.C. Section 5329(e).

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

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

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

(c) The department may not directly provide public transportation services in an area with a rail fixed guideway public transportation system under the oversight of the department.

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

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

Sec. 455.054. ENFORCEMENT. The department shall:

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

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

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

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

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

this state.

(b) The department shall ensure that the personnel who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform oversight functions through appropriate training, including the successful completion of the public transportation safety certification training program established under 49 U.S. C. Section 5329(c).

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

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

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

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

Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected for and the report of an investigation conducted under this subchapter by the department or a contractor acting on behalf of the department and any part of a rail fixed guideway public transportation system safety plan that concerns security for the system are confidential and not subject to disclosure under Chapter 552, Government Code.

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

SECTION _____. Section 455.005, Transportation Code, is repealed.

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