



FLOOR AMENDMENT NO. _____ 17 MAY 15 AM 10:47 BY: Davis (of Dallas)

HOUSE OF REPRESENTATIVES

1 Amend C.S.S.B. No. 312 (house committee printing) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

11 SUBCHAPTER A. GENERAL POWERS AND DUTIES

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

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

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

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

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

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

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

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

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

3 SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

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

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

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

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

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

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

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

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

31 Sec. 455.054. ENFORCEMENT. The department shall:

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

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

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

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

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

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

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

30 Sec. 455.057. ANNUAL STATUS REPORT. The department shall
31 provide an annual status report on the safety of the state's

1 rail fixed guideway public transportation systems to the
2 governor, the lieutenant governor, the speaker of the house of
3 representatives, the Federal Transit Administration, and the
4 governing body of each rail fixed guideway public transportation
5 system under the oversight of the department.

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

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

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

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

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

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