

By: Davis of Dallas

H.B. No. 3445

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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 2. 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 3. 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

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
25 those services is authorized by a waiver issued by the Federal
26 Transit Administrator or the administrator's designee.

27 Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected

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.