

1-1 By: Nichols S.B. No. 1523
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
 1-3 first time and referred to Committee on Transportation;
 1-4 March 30, 2017, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 30, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the state safety oversight program for
 1-20 rail fixed guideway public transportation systems.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Chapter 455, Transportation Code,
 1-23 is amended to read as follows:

1-24 CHAPTER 455. ~~GENERAL~~ POWERS AND DUTIES OF DEPARTMENT OF
 1-25 TRANSPORTATION REGARDING MASS TRANSPORTATION

1-26 SECTION 2. Chapter 455, Transportation Code, is amended by
 1-27 designating Sections 455.001 through 455.004 as Subchapter A and
 1-28 adding a subchapter heading to read as follows:

1-29 SUBCHAPTER A. GENERAL POWERS AND DUTIES

1-30 SECTION 3. Section 455.002, Transportation Code, is amended
 1-31 to read as follows:

1-32 Sec. 455.002. DEPARTMENT POWERS REGARDING MASS
 1-33 TRANSPORTATION. The Texas Department of Transportation may:

1-34 (1) purchase, construct, lease, and contract for
 1-35 public transportation systems;

1-36 (2) use the expertise of recognized private
 1-37 authorities or consultants to plan and design public and mass
 1-38 transportation systems;

1-39 (3) represent this state in each public and mass
 1-40 transportation matter before a state or federal agency;

1-41 (4) subject to Section 455.052, apply for and receive
 1-42 a gift or grant from a governmental or private source for use in
 1-43 performing the department's functions under this chapter;

1-44 (5) contract as necessary to perform a function under
 1-45 this chapter; and

1-46 (6) recommend legislation necessary to advance this
 1-47 state's interest in public and mass transportation.

1-48 SECTION 4. Chapter 455, Transportation Code, is amended by
 1-49 adding Subchapter B to read as follows:

1-50 SUBCHAPTER B. STATE SAFETY OVERSIGHT PROGRAM

1-51 Sec. 455.051. DEFINITION. In this subchapter, "rail fixed
 1-52 guideway public transportation system" has the meaning assigned by
 1-53 49 C.F.R. Section 674.7.

1-54 Sec. 455.052. DESIGNATION OF STATE SAFETY OVERSIGHT AGENCY;
 1-55 REQUIREMENTS AND PROHIBITIONS. (a) The department is designated
 1-56 as the agency responsible for implementing a state safety oversight
 1-57 program that satisfies the requirements of 49 U.S.C. Section
 1-58 5329(e).

1-59 (b) Unless waived under 49 U.S.C. Section 5329(e), the
 1-60 department:

1-61 (1) shall be financially and legally independent from

2-1 any rail fixed guideway public transportation system under the
 2-2 oversight of the department; and

2-3 (2) may not employ an individual who is also employed
 2-4 by a rail fixed guideway public transportation system under the
 2-5 oversight of the department.

2-6 (c) The department may not directly provide public
 2-7 transportation services in an area with a rail fixed guideway
 2-8 public transportation system under the oversight of the department.

2-9 (d) A public transportation entity may not provide funds to
 2-10 the department.

2-11 Sec. 455.053. OVERSIGHT. The department shall oversee all
 2-12 safety aspects of rail fixed guideway public transportation systems
 2-13 in accordance with 49 U.S.C. Section 5329, including the
 2-14 development, implementation, and application of the public
 2-15 transportation agency safety plan.

2-16 Sec. 455.054. ENFORCEMENT. The department shall:

2-17 (1) enforce federal and state laws on rail fixed
 2-18 guideway public transportation safety;

2-19 (2) review, revise, approve, oversee, and enforce the
 2-20 public transportation agency safety plan required under 49 U.S.C.
 2-21 Section 5329(d), including the implementation by a rail fixed
 2-22 guideway public transportation system of the system's plan;

2-23 (3) investigate and enforce the safety of rail fixed
 2-24 guideway public transportation systems; and

2-25 (4) coordinate all enforcement responsibilities with
 2-26 other governmental entities as needed.

2-27 Sec. 455.055. STAFFING LEVELS; TRAINING. (a) The
 2-28 department, in consultation with the Federal Transit
 2-29 Administration, shall determine an appropriate staffing level for
 2-30 the state safety oversight program that is commensurate with the
 2-31 number, size, and complexity of rail fixed guideway public
 2-32 transportation systems in this state.

2-33 (b) The department shall ensure that the personnel who are
 2-34 responsible for rail fixed guideway public transportation safety
 2-35 oversight are qualified to perform oversight functions through
 2-36 appropriate training, including the successful completion of the
 2-37 public transportation safety certification training program
 2-38 established under 49 U.S.C. Section 5329(c).

2-39 Sec. 455.056. AUDIT OF COMPLIANCE WITH PUBLIC
 2-40 TRANSPORTATION AGENCY SAFETY PLAN. At least once every three
 2-41 years, the department shall audit the compliance of the rail fixed
 2-42 guideway public transportation systems in this state with the
 2-43 public transportation agency safety plan required by 49 U.S.C.
 2-44 Section 5329(d).

2-45 Sec. 455.057. ANNUAL STATUS REPORT. The department shall
 2-46 provide an annual status report on the safety of the state's rail
 2-47 fixed guideway public transportation systems to the governor, the
 2-48 lieutenant governor, the speaker of the house of representatives,
 2-49 the Federal Transit Administration, and the governing body of each
 2-50 rail fixed guideway public transportation system under the
 2-51 oversight of the department.

2-52 Sec. 455.058. USE OF CONTRACTOR. (a) The department may
 2-53 enter into an agreement with a contractor to act on behalf of the
 2-54 department in carrying out the duties of the department under this
 2-55 subchapter.

2-56 (b) A contractor may not provide services to both the
 2-57 department and a rail fixed guideway public transportation system
 2-58 under the oversight of the department unless the provision of those
 2-59 services is authorized by a waiver issued by the Federal Transit
 2-60 Administrator or the administrator's designee.

2-61 Sec. 455.059. CONFIDENTIAL INFORMATION. The data collected
 2-62 for and the report of an investigation conducted under this
 2-63 subchapter by the department or a contractor acting on behalf of the
 2-64 department and any part of a rail fixed guideway public
 2-65 transportation system safety plan that concerns security for the
 2-66 system are confidential and not subject to disclosure under Chapter
 2-67 552, Government Code.

2-68 Sec. 455.060. RULES. The commission shall adopt rules
 2-69 necessary to implement this subchapter.

3-1 SECTION 5. Section 455.005, Transportation Code, is
3-2 repealed.
3-3 SECTION 6. Not later than March 1, 2019, the Texas
3-4 Transportation Commission shall adopt rules to implement
3-5 Subchapter B, Chapter 455, Transportation Code, as added by this
3-6 Act.
3-7 SECTION 7. This Act takes effect immediately if it receives
3-8 a vote of two-thirds of all the members elected to each house, as
3-9 provided by Section 39, Article III, Texas Constitution. If this
3-10 Act does not receive the vote necessary for immediate effect, this
3-11 Act takes effect September 1, 2017.

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