

BILL ANALYSIS

H.B. 3445
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Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note the confusion regarding federal legislation that enforces requirements for rail fixed guideway public transportation systems as regards state safety oversight. H.B. 3445 seeks to address this issue by designating the Texas Department of Transportation as the state agency responsible for implementing a state safety oversight program for such systems that satisfies the requirements of applicable federal law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 4 of this bill.

ANALYSIS

H.B. 3445 repeals Transportation Code provisions relating to oversight by the Texas Department of Transportation (TxDOT) of rail fixed guideway mass transportation system safety and amends the Transportation Code to designate TxDOT as the agency responsible for implementing a state safety oversight program that satisfies the requirements of applicable federal law. The bill requires TxDOT, unless waived under that law, to be financially and legally independent from any rail fixed guideway public transportation system under the oversight of TxDOT and prohibits TxDOT, unless so waived, from employing an individual who is also employed by a rail fixed guideway public transportation system under the oversight of TxDOT. The bill prohibits TxDOT from directly providing public transportation services in an area with a rail fixed guideway public transportation system under the oversight of TxDOT and prohibits a public transportation entity from providing funds to TxDOT.

H.B. 3445 requires TxDOT to oversee all safety aspects of rail fixed guideway public transportation systems in accordance with federal law, including the development, implementation, and application of the public transportation agency safety plan. The bill requires TxDOT to enforce federal and state laws on rail fixed guideway public transportation safety; review, revise, approve, oversee, and enforce the public transportation agency safety plan required under federal law, including the implementation by a rail fixed guideway public transportation system of the system's plan; investigate and enforce the safety of rail fixed guideway public transportation systems; and coordinate all enforcement responsibilities with other governmental entities as needed.

H.B. 3445 requires TxDOT, in consultation with the Federal Transit Administration, to 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 Texas. The bill requires TxDOT to 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 federal law. The bill requires TxDOT, at least once every three years, to audit the compliance of the rail fixed guideway public transportation systems in Texas with the public transportation agency safety plan required by federal law. The bill requires TxDOT to 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 TxDOT.

H.B. 3445 authorizes TxDOT to enter into an agreement with a contractor to act on behalf of TxDOT in carrying out the duties of TxDOT under the state safety oversight program and prohibits a contractor from providing services to both TxDOT and a rail fixed guideway public transportation system under the oversight of TxDOT, unless the provision of those services is authorized by a waiver issued by the Federal Transit Administrator or the administrator's designee. The bill makes confidential and exempt from disclosure under state public information law the data collected for and the report of an investigation conducted under the state safety oversight program by TxDOT or a contractor acting on behalf of TxDOT and any part of a rail fixed guideway public transportation system safety plan that concerns security for the system. The bill requires the Texas Transportation Commission, not later than March 1, 2019, to adopt rules necessary to implement the state safety oversight program.

H.B. 3445 repeals Section 455.005, Transportation Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.