

## **BILL ANALYSIS**

Senate Research Center

S.B. 735  
By: West  
State Affairs  
4-10-97  
Committee Report (Amended)

### **DIGEST**

Currently, the Texas Department of Transportation (department) does not have the authority to implement federal regulation creating a state oversight program required by the Intermodal Surface Transportation Efficiency Act of 1991 (PL 102-240). The Federal Transit Administration (FTA) is the federal entity which is required to issue regulations creating a state oversight program. On December 27, 1995, the FTA published its final rule, which requires states to oversee the safety of rail fixed guideway systems. S.B. 735 provides for the oversight of rail fixed guideway system safety.

### **PURPOSE**

As proposed, S.B. 735 provides for the oversight of rail fixed guideway system safety.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Department of Transportation in SECTION 1 (Sec. 455.005(i), Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 455, Transportation Code, by adding Section 455.005, as follows:

Sec. 455.005. RAIL FIXED GUIDEWAY SYSTEM SAFETY OVERSIGHT. (a) Defines "accident," "department," "hazardous condition," "investigation," "rail fixed guideway system," "safety," "security," "transit agency," and "unacceptable hazardous condition."

(b) Requires the Texas Department of Transportation (department) to be responsible for the oversight of safety and security practices of rail fixed guideway systems in compliance with 49 U.S.C. Section 5330. Requires the department to establish a safety program plan standard for each transit agency operating a rail fixed guideway system within the state which provides certain elements.

(c) Requires the department to conduct an on-site safety review of each transit agency's system safety program plan, prepare and issue a report containing certain information, and review and approve the annual internal safety audit conducted by a transit agency.

(d) Requires the department to perform certain other functions with respect to the investigation of accidents and unacceptable hazardous conditions.

(e) Authorizes the department to use a contractor to act on its behalf in carrying out the duties of the department under this section.

(f) Provides that the data collected and the report of any investigation conducted by the department or a contractor acting on behalf of the department is subject to disclosure, inspection, or copying under Chapter 552, Government Code, but is not prohibited from being admitted in evidence or used for certain other purposes.

(g) Requires each transit agency to perform certain duties regarding safety issues.

(h) Provides that any part of a transit agency's system safety program plan that concerns security for the system is confidential is subject to certain other provisions.

(i) Requires TxDOT to adopt rules to implement this section.

(j) Provides that the commission, the department, and their officers, employees, and agents shall not be liable for any act or omission in the implementation of this section.

SECTION 2. Emergency clause.

Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 3, line 25, delete the word "not."

Page 2, line 26, strike "and" and replace with "but."