

HOUSE BILL 1830

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 10; Title 13; Title 54 and Title 65, relative to rail fixed guideway public transportation system safety oversight to comply with the United States Code, Title 49 U.S.C. Section 5329.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-10-101, is amended by adding the following as a new subdivision:

(6) "Rail fixed guideway public transportation system" has the same meaning as provided in 49 CFR Part 674.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 10, is amended by designating the existing sections as "Part 1 – Mass Transit Projects" and adding the following as a new part 2:

Part 2 – State Safety Oversight Program.

13-10-201. Responsibility for Implementation.

(a) The department is designated as the agency responsible for implementing a state safety oversight program that satisfies the requirements of 49 U.S.C. § 5329(e) and shall have the authority to implement all requirements necessary to comply with 49 U.S.C. § 5329(e) and the implementing federal regulations.

(b) The department may enter into an agreement with one (1) or more contractors to act on behalf of the department in carrying out the duties of the department under this part. However, any such contractor may not provide services to both the department and a rail fixed guideway public transportation system under the

oversight of the department, unless authorized by a waiver issued by the federal transit administrator or the administrator's designee.

13-10-202. Financial and Legal Independence.

(a) Unless waived under 49 U.S.C. § 5329(e), the department:

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

(2) May not employ an individual who is also employed by a rail fixed guideway public transportation system under the oversight of the department; and

(3) May not directly provide public transportation services in an area with a rail fixed guideway public transportation system under the oversight of the department.

(b) A rail fixed guideway public transportation system under the oversight of the department may not provide funding to the department in a manner prohibited by the federal transit administration.

13-10-203. Enforcement Authority.

(a) The department shall oversee and have the authority to implement all safety aspects of rail fixed guideway public transportation systems in accordance with 49 U.S.C. § 5329(e), including:

(1) Investigation and enforcement of federal and state laws regarding rail fixed guideway public transportation safety;

(2) Establishment of minimum safety standards for the rail fixed guideway public transportation systems in the state;

(3) Review, approval, oversight, and enforcement of the public transportation agency safety plan required under 49 U.S.C. § 5329(d), including implementation by a rail fixed guideway public transportation system of the system's plan; and

(4) Oversight and enforcement of corrective action by rail fixed guideway public transportation systems in a manner directed by the commissioner or commissioner's designee as needed, including compelling the removal of a specific hazard, immediately suspending or prohibiting rail service as appropriate, or taking other action consistent with this purpose.

(b) The department shall have the right to access the property, vehicles, accident scenes, and records of each rail fixed guideway public transportation system under the oversight of the department for the purpose of fulfilling its duties under this part.

13-10-204. Confidentiality of Information.

(a) The data collected for and reports concerning investigations conducted under this part by the department, or a contractor acting on behalf of the department, shall be confidential and not open for inspection by members of the public pursuant to the open records law, compiled in title 10, chapter 7, and may not be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in such a report.

(b) Any portion of a rail fixed guideway public transportation system safety plan that concerns security for the system shall be confidential and not open for inspection by members of the public pursuant to the open records law, compiled in title 10, chapter 7.

13-10-205. Audits and Reporting.

(a) At least once every three (3) years, the department shall audit each rail fixed guideway public transportation system's compliance with the public transportation agency safety plan as required by 49 U.S.C. § 5329(e).

(b) At least once per year, the department shall report the status of the safety of each rail fixed guideway public transportation system to the governor, the federal transit

administration, and the board of directors, or equivalent, of the rail fixed guideway public transportation system.

13-10-206. Authority to Adopt Policies and Regulations.

The department is authorized to establish policies and promulgate rules and regulations in furtherance of this part. All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.