

BILL ANALYSIS

Senate Research Center

S.B. 975
By: Birdwell
Transportation
6/20/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

If a private high-speed rail is going to be built and wholly contained within the State of Texas, it is incumbent upon the legislature and the appropriate agencies to ensure the safe entry, exit, and passage of all passengers and employees during the operation of the rail system, as well as to ensure the safety of all communities in and around the rail routes. With the assistance of the Texas Department of Public Safety, the legislature, and the appropriate agencies, a private high-speed rail system will be required to plan, organize and implement the necessary measures to ensure the overall safety of those affected by the rail system. S.B. 975 also aims to address any concerns regarding the cost of law enforcement activity being passed onto a state or local government entity by requiring a private high-speed rail system to pay government law enforcement officers who may be hired to fulfill the requirements outlined in this bill.

S.B. 975 amends current law relating to the security of high-speed rail operated by a private entity.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 1 (Section 112.203, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 112, Transportation Code, by adding Subchapter E, as follows:

SUBCHAPTER E. SECURITY FOR HIGH-SPEED RAIL OPERATED BY PRIVATE ENTITY

Sec. 112.201. DEFINITION. Defines "high-speed rail."

Sec. 112.202. APPLICABILITY. Provides that this subchapter applies only to high-speed rail operated by a private entity.

Sec. 112.203. DEPARTMENT OF PUBLIC SAFETY POWERS AND DUTIES. (a) Requires the Texas Department of Public Safety (DPS), to the extent not preempted by federal law, to administer and enforce the provisions of this subchapter, and authorizes DPS to adopt rules as necessary to administer this subchapter.

(b) Provides that DPS, in carrying out the powers and duties under this subchapter:

(1) has the same authority granted to the Texas Department of Transportation (TxDOT) under Subchapter B (Regulation of Railroads by Department), Chapter 111 (Regulation by Texas Department of Transportation); and

(2) is required to ensure that rules and standards adopted under this subchapter are consistent with applicable federal rules, regulations, and standards.

(c) Requires DPS to provide the emergency management training course described by Section 418.005 (Emergency Management Training), Government Code, to employees of a high-speed rail operator designated under Section 112.204(c).

Sec. 112.204. SECURITY. (a) Requires a high-speed rail operator to:

(1) in the manner required by law for intercity passenger railroads, implement all security requirements of the Transportation Security Administration (TSA) or its successor agency;

(2) conduct periodic risk-based threat and vulnerability assessments; and

(3) in consultation with TSA, implement certain appropriate security measures in response to results of the assessments.

(b) Requires a high-speed rail operator to collect and investigate security threat reports submitted by members of the public.

(c) Requires a high-speed rail operator to:

(1) designate employees who are managers or supervisors and whose position description, job duties, or assignment includes emergency management responsibilities; and

(2) require those employees to complete the emergency management training described by Section 418.005, Government Code.

(d) Prohibits a high-speed rail operator from using the services of a peace officer employed by this state or a political subdivision of this state unless the operator compensates the state or political subdivision, as applicable, for the officer's time.

Sec. 112.205. COORDINATION WITH OTHER ENTITIES. (a) Requires a high-speed rail operator to coordinate security activities and investigations with federal, state, and local law enforcement agencies, including by communicating about credible threats, major events, and vulnerable places along the rail line or on a train.

(b) Requires a high-speed rail operator to communicate as appropriate with the state Emergency Management Council and the Texas Division of Emergency Management about safety and security issues.

SECTION 2. Effective date: upon passage or September 1, 2017.