

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

2

HOUSE BILL 1026*
Committee Substitute Favorable 6/3/14

Short Title: Update State Rail Safety Oversight.

(Public)

Sponsors:

Referred to:

May 15, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE STATE LAW GOVERNING DEPARTMENT OF
3 TRANSPORTATION OVERSIGHT OF THE SAFETY OF RAIL FIXED GUIDEWAY
4 PUBLIC TRANSPORTATION SYSTEMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 136-18(36) reads as rewritten:
7 "(36)

- 8 a. To oversee the safety of fixed guideway ~~transit~~-public transportation
9 systems in the State not regulated by the Federal Railroad
10 Administration, pursuant to ~~the Intermodal Surface Transportation~~
11 ~~Efficiency Act of 1991 (49 U.S.C. § 5330), 49 U.S.C. § 5329 and §~~
12 ~~5330 and any reauthorizations of or amendments to those sections.~~
13 The Department shall adopt rules in conformance with 49 U.S.C. §
14 5329 and 49 U.S.C. § 5330 concerning its oversight of the safety of
15 fixed guideway ~~transit~~-public transportation systems.
16 b. The Department shall examine and inspect the condition of each rail
17 fixed guideway public transportation system and its equipment and
18 facilities for the purpose of ensuring the safety and convenience of
19 the public and the rail fixed guideway public transportation system's
20 employees. If the Department finds any equipment or facilities to be
21 unsafe, it shall at once notify the rail fixed guideway public
22 transportation system and require the rail fixed guideway public
23 transportation system to repair the equipment or facilities.
24 c. The Department may conduct, in a manner consistent with federal
25 law, a program of accident prevention and public safety covering all
26 rail fixed guideway public transportation systems and may
27 investigate the cause of any rail fixed guideway public transportation
28 system accident. In order to facilitate this program, any rail fixed
29 guideway public transportation system involved in an accident
30 meeting the reporting thresholds defined by the Department shall
31 report the accident to the Department.
32 d. The Department shall review, approve, oversee, and enforce each rail
33 fixed guideway public transportation system's implementation of the
34 public transportation system safety plan required pursuant to 49
35 U.S.C. § 5329(d).



- 1 e. The Department shall audit, at least once triennially, each rail fixed
2 guideway public transportation system's compliance with the public
3 transportation agency safety plan required pursuant to 49 U.S.C. §
4 5329(d).
- 5 f. The Department shall provide, at least once annually, a status report
6 on the safety of the rail fixed guideway public transportation systems
7 overseen by the Department to the Federal Transit Administration,
8 the Governor, and the Board of Directors, or equivalent entity, of any
9 rail fixed guideway public transportation system the Department
10 oversees.
- 11 g. The Department shall not receive funding for the activities
12 authorized by sub-subdivisions a. through f. of this subdivision from
13 any rail fixed guideway public transportation systems subject to the
14 Department's authority pursuant to the provisions of sub-subdivisions
15 a. through f. of this subdivision."

16 **SECTION 2.** This act is effective when it becomes law.