

COMMITTEE ON TRANSPORTATION, TECHNOLOGY AND MISSING CHILDREN

SENATE AMENDMENTS TO S.B. 1184

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2           "Section 1. Section 28-143, Arizona Revised Statutes, is amended to  
3 read:

4           28-143. Heavy rail; construction; definitions

5           A. For each heavy rail ~~or commuter rail~~ project, the licensed  
6 contractor performing the construction shall perform, with the contractor's  
7 own organization, construction work on the rail component that amounts to  
8 not less than thirty ~~per cent~~ PERCENT of the contract price for  
9 construction of the rail component.

10          B. The thirty ~~per cent~~ PERCENT self-performance requirement of  
11 subsection A of this section does not apply if the contract price for  
12 construction of the rail component is less than one-half of the total  
13 contract price for construction of the heavy rail ~~or commuter rail~~ project.

14          C. Project elements ~~shall~~ MAY not be artificially added to a project  
15 to make a project into a heavy rail ~~or commuter rail~~ project. ~~Project~~  
16 ~~elements shall not~~ OR be artificially deleted from a project to make a  
17 project not a heavy rail ~~or commuter rail~~ project.

18          D. The department may include in any heavy rail ~~or commuter rail~~  
19 project:

20           1. Rail components.

21           2. Stations, maintenance or repair facilities, operations centers,  
22 office buildings or parking facilities related to heavy rail ~~or commuter~~  
23 ~~rail~~.

24          E. If any monies for a heavy rail ~~or commuter rail~~ project are  
25 provided by the federal government, any requirement or other provision of

1       this section does not apply to the heavy rail ~~or commuter rail~~ project if  
2       the requirement or provision is in conflict with any requirement of federal  
3       law, regulation or policy, the federal government or the federal funding  
4       agency.

5           F. For the purposes of this section, in determining the contract  
6       price for construction of all or any part of a heavy rail ~~or commuter rail~~  
7       project, the contract price for construction does not include the cost of  
8       preconstruction services or design services~~s~~ as defined in section  
9       28-7361~~;~~ OR any other related services or the cost to procure any  
10      right-of-way or other cost of condemnation.

11          G. This section applies to the design-bid-build, design-build,  
12       construction-manager-at-risk and job-order-contracting project delivery  
13       methods.

14          H. For the purposes of this section:

15           1. "HEAVY RAIL" MEANS FREIGHT RAIL FOR THE PURPOSES OF TRANSPORTING  
16       CARGO OR GOODS AND NOT HUMAN PASSENGERS.

17           1. "Heavy rail ~~or commuter rail~~ project" means a department  
18       facilities project for heavy rail ~~or commuter rail~~, including any rail  
19       component and any stations, maintenance or repair facilities, operations  
20       centers, office buildings or parking facilities relating to heavy rail ~~or~~  
21       ~~commuter rail~~.

22           2. "Rail component":

23           (a) Means the part of a heavy rail ~~or commuter rail~~ project related  
24       to the track and operation of trains on the track, including the rails,  
25       ties, track bed, subgrade, excavations, dirt, rock and ANY other materials  
26       removal and buildup, signals and communications equipment, highway  
27       crossings and crossing gates and signals. ~~Rail component~~

28           (b) Does not include any stations, maintenance or repair facilities,  
29       operations centers, office buildings or parking facilities.

30          Sec. 2. Title 28, chapter 2, article 2, Arizona Revised Statutes, is  
31       amended by adding sections 28-340, 28-341, 28-342 and 28-343 to read:

32           28-340. Department prohibitions; public resources

A. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT SPEND PUBLIC RESOURCES TO DO EITHER OF THE FOLLOWING:

1. REDUCE EXISTING LANE MILES ON A HIGHWAY OR STATE HIGHWAY.
  2. BUILD OR MAINTAIN FACILITIES THAT CHARGE MOTOR VEHICLES EXCEPT THAT THE DEPARTMENT MAY FUND THE INSTALLATION OF CHARGING EQUIPMENT ON GOVERNMENT-OWNED PROPERTY FOR THE CHARGING OF GOVERNMENT-OWNED MOTOR VEHICLES.

B. THE DEPARTMENT MAY NOT ADOPT A TARGET OR CONSIDER A TARGET FOR ADOPTION RELATING TO THE NUMBER OF PRIVATELY OWNED MOTOR VEHICLES THAT MAY NEED CHARGING IN THIS STATE IN THE FUTURE.

28-341. Department prohibitions; public resources; violation; payment

NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT SPEND PUBLIC RESOURCES ON ANYTHING THAT IS PROHIBITED BY SECTION 41-1494. IF THE DEPARTMENT VIOLATES THIS SECTION, THE DEPARTMENT SHALL PAY TO THE AGGRIEVED EMPLOYEE AN AMOUNT EQUAL TO THE PUBLIC RESOURCES THAT WERE SPENT.

28-342. Department prohibitions: public resources

NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT SPEND PUBLIC RESOURCES TO DEVELOP A CARBON REDUCTION PLAN OR A PLAN OR STRATEGY TO REDUCE GREENHOUSE GAS EMISSIONS.

28-343. Department prohibitions; public resources

A. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT SPEND PUBLIC RESOURCES TO REDUCE EXISTING LANE MILES ON A HIGHWAY OR STATE HIGHWAY

Sec. 3. Sec. 28-501, Arizona Revised Statutes, is amended to read:

**28-501. Definitions**

In this article, unless the context otherwise requires: **,**

1. "ACCESSIBILITY" MEANS WITH CONSIDERATION FOR INDIVIDUALS WHO HAVE PHYSICAL DISABILITIES OR WHO ARE ELDERLY.

2. "AIR QUALITY" MEANS THE STANDARDS REQUIRED BY 42 UNITED STATES CODE SECTIONS 7401 THROUGH 7438.

3. "CONGESTION REDUCTION" MEANS ALLEVIATING RECURRENT TRAVEL IMPEDIMENTS THAT DIMINISH FREE FLOW SPEEDS.

4. "CONNECTIVITY" MEANS NUMEROUS DIRECT AND INDIRECT LINKAGES IN THE SYSTEM THAT MAXIMIZE THE FLOW OF PASSENGER AND FREIGHT TRAVEL.

5. "COST-EFFECTIVENESS" MEANS THE GAINS IN MOBILITY RELATIVE TO THE FINANCIAL SUBSIDIZATION TO PLAN, CONSTRUCT, OPERATE AND MAINTAIN A PROJECT OR SERVICE.

6. "Division" means the transportation planning division established by section 28-332, subsection C.

7. "ECONOMIC BENEFITS" MEANS ALL OF THE NET GAINS THAT CAN BE QUANTIFIED IN MONETARY TERMS.

8. "ENVIRONMENTAL IMPACTS" MEANS CHANGES TO THE NATURAL AND CONSTRUCTED ENVIRONMENT RESULTING FROM A PROJECT.

9. "INTEGRATION" MEANS A SEAMLESS COMBINATION OF DIFFERENT TRANSPORTATION MODES THAT PRESERVES THE CAPACITY OF THE HIGHWAY SYSTEM AND MAJOR ARTERIAL ROADWAYS.

10. "MOBILITY" MEANS THE ABILITY TO MOVE FREELY, EASILY AND EFFICIENTLY.

11. "OPERATIONAL EFFICIENCY" MEANS OPTIMIZING RESOURCE ALLOCATION FOR MAXIMIZING THE PERFORMANCE CRITERIA RELATIVE TO COST-EFFECTIVENESS.

12. "PROJECT READINESS" MEANS THE FEWEST IMPEDIMENTS PRESENT TO IMPLEMENT A PROJECT.

13. "SAFETY IMPROVEMENTS" MEANS PROJECTS THAT ARE PROVEN TO REDUCE THE NUMBER OF FATALITIES OR SERIOUS INJURIES BASED ON AN ANALYSIS OF CRASH DATA.

14. "SYSTEM PRESERVATION" MEANS THE RECURRING MAINTENANCE OF THE FEDERAL HIGHWAY SYSTEM.

Sec. 4. Section 28-505, Arizona Revised Statutes, is amended to read:

## 28-505. Transportation system performance factors; weights; prohibition

A. The division shall develop STANDARD TRANSPORTATION SYSTEM PERFORMANCE FACTORS for presentation to the board ~~standard transportation system performance factors~~ that ~~at least~~ include AT LEAST all of the following variables:

- 1        1. System preservation.
- 2        2. Congestion relief.
- 3        3. Accessibility.
- 4        4. Integration and connectivity with other modes.
- 5        5. Economic benefits.
- 6        6. Safety.
- 7        7. Air quality and other environmental impacts.
- 8        8. Cost-effectiveness of a project or service.
- 9        9. Operational efficiency.
- 10      10. Project readiness.

11            B. The division shall develop TRANSPORTATION SYSTEM PERFORMANCE  
12          WEIGHTS for presentation to the board ~~transportation system performance~~  
13          ~~factor weights~~.

14            C. The performance factors and weights established pursuant to this  
15          section shall be used by the department and the board to:

16            1. Select projects and services in the five year transportation  
17          facilities construction program pursuant to chapter 20, article 3 of this  
18          title and the long-range statewide transportation plan pursuant to section  
19          28-307.

20            2. Allocate state and federal financial resources among the  
21          department's major program categories.

22            D. THE DIVISION MAY NOT CONSIDER OR ADOPT A MOTOR VEHICLE TRAVEL  
23          MILE REDUCTION PLAN.

24            Sec. 5. Section 28-733, Arizona Revised Statutes, is amended to  
25          read:

26            28-733. Restrictions on use of controlled access highway  
27            A. ~~The director may, and local authorities by ordinance may,~~  
28            ~~prohibit~~ The use of any part of a controlled access highway ~~under their~~  
29            ~~respective jurisdictions~~ by pedestrians, bicycles or other nonmotorized  
30            traffic or by any person operating a motor driven cycle IS PROHIBITED.

31            B. The ~~director~~ DEPARTMENT or ~~the~~ A local authority ~~adopting the~~  
32            ~~prohibition prescribed in subsection A WITH A CONTROLLED ACCESS HIGHWAY~~  
33            UNDER ITS JURISDICTION shall erect and maintain official signs DISPLAYING

1 THE RESTRICTIONS on the ~~applicable~~ controlled access highway. ~~When the~~  
2 ~~signs are erected, a person shall not disobey the restrictions stated on~~  
3 ~~the signs.~~

4 C. THE DEPARTMENT SHALL PRIORITIZE THE SEPARATION OF MODES OF TRAVEL  
5 FOR SAFETY AND CONVENIENCE AND SHALL PRESUME THAT THE SEPARATION OF  
6 PEDESTRIANS, BICYCLES OR OTHER NONMOTORIZED TRAFFIC FROM MOTOR VEHICLE  
7 TRAFFIC IS SAFER.

8 Sec. 6. Title 28, chapter 27, Arizona Revised Statutes, is amended  
9 by adding article 2, to read:

10 ARTICLE 2. COMMUTER RAIL

11 28-9211. Definitions

12 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 1. "COMMUTER RAIL" MEANS RAIL PASSENGER SERVICE, OPERATING PRIMARILY  
14 ON A DEDICATED RIGHT-OF-WAY, IN WHOLE OR IN PART ON EXISTING RAILROAD  
15 TRACKS, USED FOR INTERCITY RAIL PASSENGER SERVICE BETWEEN AND WITHIN  
16 METROPOLITAN AND SUBURBAN AREAS, CONNECTING THESE AREAS WITH LARGE BUSINESS  
17 OR URBAN CENTERS, FOR THE PURPOSES OF PUBLIC CONVEYANCE.

18 2. "COMMUTER RAIL PROJECT" MEANS A FACILITIES PROJECT FOR COMMUTER  
19 RAIL, INCLUDING ANY STATIONS, MAINTENANCE OR REPAIR FACILITIES, OPERATIONS  
20 CENTERS, OFFICE BUILDINGS OR PARKING FACILITIES RELATING TO COMMUTER RAIL.

21 28-9212. Commuter rail and commuter rail project regulation;  
22 state preemption

23 A. THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A COMMUTER RAIL OR  
24 A COMMUTER RAIL PROJECT IS OF STATEWIDE CONCERN. A COMMUTER RAIL OR A  
25 COMMUTER RAIL PROJECT THAT IS REGULATED PURSUANT TO THIS TITLE IS NOT  
26 SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL  
27 SUBDIVISION OF THIS STATE.

28 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY, CITY,  
29 TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE, BY A MAJORITY VOTE OF  
30 THE ELECTED GOVERNING BODY, MAY OPT OUT OF ANY STATIONS, OFFICE BUILDINGS  
31 OR PARKING FACILITIES RELATING TO COMMUTER RAIL WITHIN ITS JURISDICTION.

32 C. SUBSECTION A OF THIS SECTION DOES NOT REQUIRE A COUNTY, CITY,  
33 TOWN OR POLITICAL SUBDIVISION OF THIS STATE TO SPEND ITS MONIES OR

1       RESOURCES, OR ASSESS OR IMPOSE A TAX OR FEE, FOR THE CONSTRUCTION,  
2       MAINTENANCE AND OPERATION OF A COMMUTER RAIL OR COMMUTER RAIL PROJECT.

3           28-9213. Department; prohibited actions

4       NOTWITHSTANDING CHAPTER 2 OF THIS TITLE AND EXCEPT FOR COMMUTER RAIL  
5       PROJECTS IN OPERATION ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT MAY NOT:

6           1. ENTER INTO AN INTERGOVERNMENTAL AGREEMENT OR A PRIVATE CONTRACT  
7           TO CONSTRUCT, OPERATE OR MAINTAIN A COMMUTER RAIL OR A COMMUTER RAIL  
8           PROJECT.

9           2. ACCEPT GRANTS, DONATIONS, AID OR OTHER MONIES FROM THE FEDERAL  
10          GOVERNMENT OR AN AGENCY OF THE FEDERAL GOVERNMENT TO CONSTRUCT, OPERATE OR  
11          MAINTAIN A COMMUTER RAIL OR A COMMUTER RAIL PROJECT."

12       Renumber to conform

13       Page 1, line 5, strike "41-3028.04" insert "41-3026.13"

14       Line 6, strike "41-3028.04" insert "41-3026.13"

15       Line 7, strike "2028" insert "2026"

16       Line 8, strike "2028" insert "2026"

17       Line 9, strike "2029" insert "2027"

18       Line 21, strike "1" insert "7"; strike "2" insert "8"

19       Amend title to conform

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S: RSH