

PROPOSED

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, 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.~~ 2. "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.~~ 3. "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.

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

3                           ARTICLE 2. COMMUTER RAIL

4           28-9211. Definitions

5           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

14           28-9212. Commuter rail and commuter rail project regulation;  
15                           state preemption

16           A. THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A COMMUTER RAIL OR  
17 A COMMUTER RAIL PROJECT IS OF STATEWIDE CONCERN. A COMMUTER RAIL OR A  
18 COMMUTER RAIL PROJECT THAT IS REGULATED PURSUANT TO THIS TITLE IS NOT  
19 SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL  
20 SUBDIVISION OF THIS STATE.

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

25           C. SUBSECTION A OF THIS SECTION DOES NOT REQUIRE A COUNTY, CITY,  
26 TOWN OR POLITICAL SUBDIVISION OF THIS STATE TO SPEND ITS MONIES OR  
27 RESOURCES, OR ASSESS OR IMPOSE A TAX OR FEE, FOR THE CONSTRUCTION,  
28 MAINTENANCE AND OPERATION OF A COMMUTER RAIL OR COMMUTER RAIL PROJECT.

1           28-9213. Department; prohibited actions  
2           NOTWITHSTANDING CHAPTER 2 OF THIS TITLE AND EXCEPT FOR COMMUTER RAIL  
3           PROJECTS IN OPERATION ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT MAY NOT:  
4           1. ENTER INTO AN INTERGOVERNMENTAL AGREEMENT OR A PRIVATE CONTRACT  
5           TO CONSTRUCT, OPERATE OR MAINTAIN A COMMUTER RAIL OR A COMMUTER RAIL  
6           PROJECT.  
7           2. ACCEPT GRANTS, DONATIONS, AID OR OTHER MONIES FROM THE FEDERAL  
8           GOVERNMENT OR AN AGENCY OF THE FEDERAL GOVERNMENT TO CONSTRUCT, OPERATE OR  
9           MAINTAIN A COMMUTER RAIL OR A COMMUTER RAIL PROJECT."

10 Renumber to conform

11 Page 1, line 21, strike "1" insert "3"; strike "2" insert "4"

12 Amend title to conform

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02/09/2024  
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