

BILL ANALYSIS

S.B. 975
By: Birdwell
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that any future construction and operation of private high-speed rail in Texas will require the legislature and appropriate state agencies to ensure the safe entry, exit, and passage of all passengers and employees during the operation of the rail system, as well as the safety of all communities in and around the rail routes. S.B. 975 seeks to address this issue by requiring a private high-speed rail operator to plan, organize, and implement the necessary measures to ensure the overall safety of those affected by the rail system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

S.B. 975 amends the Transportation Code to require a private entity operator of a passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour, in the manner required by law for intercity passenger railroads, to implement all security requirements of the federal Transportation Security Administration (TSA) or its successor agency, conduct periodic risk-based threat and vulnerability assessments, and, in consultation with the TSA, implement appropriate security measures in response to results of the assessments. The bill requires such a high-speed rail operator to collect and investigate security threat reports submitted by members of the public. The bill requires an operator to designate employees who are managers or supervisors whose position description, job duties, or assignment includes emergency management responsibilities and to require those employees to complete the emergency management training under the Texas Disaster Act of 1975, as provided by the Department of Public Safety (DPS). The bill prohibits an operator from using the services of a peace officer employed by the state or a political subdivision of the state unless the operator compensates the state or political subdivision, as applicable, for the officer's time.

S.B. 975 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. The bill requires such an operator to communicate as appropriate with the state Emergency Management Council and the Texas Division of Emergency Management about safety and security issues. The bill requires DPS, to the extent not preempted by federal law, to administer and enforce the bill's provisions and authorizes DPS to that extent to adopt rules as necessary to administer the bill's provisions. The bill grants DPS, in carrying out the powers and duties under the bill's provisions,

the same authority granted to the Texas Department of Transportation (TxDOT) under statutory provisions relating to the regulation of railroads by TxDOT and requires DPS to ensure that rules and standards adopted under the bill's provisions are consistent with the applicable federal rules, regulations, and standards.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.