

SUBJECT: Establishing security requirements for privately operated high-speed rail

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Morrison, Martinez, Burkett, Y. Davis, Israel, Minjarez, Simmons, E. Thompson, Wray

1 nay — Phillips

3 absent — Goldman, Pickett, S. Thompson

SENATE VOTE: On final passage, April 24 — 24-6 (Burton, Estes, Hall, Huffines, Nelson, V. Taylor)

WITNESSES: No public hearing

DIGEST: SB 975 would create a new subchapter in Transportation Code, ch. 112 to govern security for high-speed rail operated by a private entity.

High-speed rail operator's security duties. A private operator of a passenger rail service that was reasonably expected to reach speeds of at least 110 mph would be required to implement all security requirements of the federal Transportation Security Administration (TSA) or its successor agency, in the manner required by law for intercity passenger railroads. The operator also would have to conduct periodic risk-based threat and vulnerability assessments and, in consultation with TSA, implement appropriate security measures based on results of the assessments. The high-speed rail operator would have to collect and investigate security threat reports submitted by members of the public.

An operator would require employees who were managers or supervisors and whose position included emergency management responsibilities to complete emergency management training under the Texas Disaster Act of 1975 (Government Code, sec. 418.005), as provided by the Department of Public Safety (DPS).

Coordination with other entities. A high-speed rail operator would be required to coordinate security activities and investigations with federal, state, and local law enforcement agencies, including communication about credible threats, major events, and vulnerable places along the rail line or on a train. The operator also would have to communicate, as appropriate, with the state Emergency Management Council and the Texas Division of Emergency Management.

The services of a peace officer employed by the state or a political subdivision could not be used unless the high-speed rail operator compensated the state or political subdivision for the officer's time.

DPS' powers and duties. DPS would be required to administer and enforce the provisions of the bill and could adopt rules that were consistent with applicable federal rules, regulations, and standards as necessary to do so. DPS would have the same regulatory authority over railroads granted to the Texas Department of Transportation under state law.

Effective date. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 975 is necessary to ensure public safety during the operation of any future privately operated high-speed rail in Texas. The private operator would have to work with the Legislature and appropriate state and federal agencies to enforce transportation safety regulations and thereby ensure the safe entry, exit, and passage of all passengers and employees during the operation of a rail system. These measures also would help protect the safety of communities in and around the rail routes. This collaborative approach is the only way a comprehensive security plan could emerge. The bill is not intended to burden any private entity but rather provide for a baseline of public safety as it relates to high-speed rail in Texas.

**OPPONENTS
SAY:**

SB 975 would add an unnecessary layer of regulation and define security measures for a system that does not exist. While the requirements of the

bill could theoretically apply to any prospective high-speed rail project in the state, there currently is only one project under development. In practical terms, the effects of the bill would be aimed at that particular project. In any event, if a privately operated high-speed rail existed in Texas, private industry could meet the security needs of passengers without government mandates.