

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, as defined in section
9 28-7361, ~~OR~~ 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.

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

- 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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