

Part 8 Public Transit District Act

17B-2a-801 Title.

This part is known as the "Public Transit District Act."

Enacted by Chapter 329, 2007 General Session

17B-2a-802 Definitions.

As used in this part:

- (1) "Affordable housing" means housing occupied or reserved for occupancy by households that meet certain gross household income requirements based on the area median income for households of the same size.
 - (a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income targets.
 - (b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.
- (2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.
- (3)
 - (a) "Chief executive officer" means a person appointed by the board of trustees of a small public transit district to serve as chief executive officer.
 - (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be fulfilled by the chief executive officer.
- (4) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.
- (5) "Department" means the Department of Transportation created in Section 72-1-201.
- (6) "Executive director" means a person appointed by the board of trustees of a large public transit district to serve as executive director.
- (7)
 - (a) "General manager" means a person appointed by the board of trustees of a small public transit district to serve as general manager.
 - (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public transit district.
- (8) "Large public transit district" means a public transit district that provides public transit to an area that includes:
 - (a) more than 65% of the population of the state based on the most recent official census or census estimate of the United States Census Bureau; and
 - (b) two or more counties.
- (9)
 - (a) "Locally elected public official" means a person who holds an elected position with a county or municipality.

- (b) "Locally elected public official" does not include a person who holds an elected position if the elected position is not with a county or municipality.
- (10) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.
- (11) "Multicounty district" means a public transit district located in more than one county.
- (12) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.
- (13)
 - (a) "Public transit" means regular, continuing, shared-ride, surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
 - (b) "Public transit" does not include transportation services provided by:
 - (i) chartered bus;
 - (ii) sightseeing bus;
 - (iii) taxi;
 - (iv) school bus service;
 - (v) courtesy shuttle service for patrons of one or more specific establishments; or
 - (vi) intra-terminal or intra-facility shuttle services.
- (14) "Public transit district" means a local district that provides public transit services.
- (15) "Small public transit district" means any public transit district that is not a large public transit district.
- (16) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:
 - (a) leased by or operated by or on behalf of a public transit district; and
 - (b) related to the public transit services provided by the district, including:
 - (i) railway or other right-of-way;
 - (ii) railway line; and
 - (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.
- (17) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated as public transportation by a public transit district.
- (18) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a public transit district that serves a county of the first class.
- (19) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a public transit district.

Amended by Chapter 479, 2019 General Session

17B-2a-803 Provisions applicable to public transit districts.

- (1)
 - (a) Each public transit district is governed by and has the powers stated in:
 - (i) this part; and
 - (ii) except as provided in Subsection (1)(b), Chapter 1, Provisions Applicable to All Local Districts.
 - (b)

- (i) Except for Sections 17B-1-301, 17B-1-311, and 17B-1-313, the following provisions do not apply to public transit districts:
 - (A) Chapter 1, Part 3, Board of Trustees; and
 - (B) Section 17B-2a-905.
- (ii) A public transit district is not subject to Chapter 1, Part 6, Fiscal Procedures for Local Districts.
- (2) This part applies only to public transit districts.
- (3) A public transit district is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.
- (5) The provisions of Subsection 53-3-202(3)(b) do not apply to a motor vehicle owned in whole or in part by a public transit district.

Amended by Chapter 273, 2016 General Session, (Coordination Clause)

Amended by Chapter 273, 2016 General Session

17B-2a-804 Additional public transit district powers.

- (1) In addition to the powers conferred on a public transit district under Section 17B-1-103, a public transit district may:
 - (a) provide a public transit system for the transportation of passengers and their incidental baggage;
 - (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817, levy and collect property taxes only for the purpose of paying:
 - (i) principal and interest of bonded indebtedness of the public transit district; or
 - (ii) a final judgment against the public transit district if:
 - (A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and
 - (B) the district is required by a final court order to levy a tax to pay the judgment;
 - (c) insure against:
 - (i) loss of revenues from damage to or destruction of some or all of a public transit system from any cause;
 - (ii) public liability;
 - (iii) property damage; or
 - (iv) any other type of event, act, or omission;
 - (d) acquire, contract for, lease, construct, own, operate, control, or use:
 - (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or
 - (ii) any structure necessary for access by persons and vehicles;
 - (e)
 - (i) hire, lease, or contract for the supplying or management of a facility, operation, equipment, service, employee, or management staff of an operator; and
 - (ii) provide for a sublease or subcontract by the operator upon terms that are in the public interest;
 - (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
 - (g) accept a grant, contribution, or loan, directly through the sale of securities or equipment trust certificates or otherwise, from the United States, or from a department, instrumentality, or agency of the United States;
 - (h) study and plan transit facilities in accordance with any legislation passed by Congress;

- (i) cooperate with and enter into an agreement with the state or an agency of the state or otherwise contract to finance to establish transit facilities and equipment or to study or plan transit facilities;
 - (j) subject to Subsection 17B-2a-808.1(5), issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
 - (k) from bond proceeds or any other available funds, reimburse the state or an agency of the state for an advance or contribution from the state or state agency;
 - (l) do anything necessary to avail itself of any aid, assistance, or cooperation available under federal law, including complying with labor standards and making arrangements for employees required by the United States or a department, instrumentality, or agency of the United States;
 - (m) sell or lease property;
 - (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or transit-supportive developments;
 - (o) establish, finance, participate as a limited partner or member in a development with limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and , in accordance with Subsection (3), transit-oriented developments or transit-supportive developments; and
 - (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive development in connection with project area development as defined in Section 17C-1-102 by:
 - (i) investing in a project as a limited partner or a member, with limited liabilities; or
 - (ii) subordinating an ownership interest in real property owned by the public transit district.
- (2)
- (a) A public transit district may only assist in the development of areas under Subsection (1)(p):
 - (i) in the manner described in Subsection (1)(p)(i) or (ii); and
 - (ii) on no more than eight transit-oriented developments or transit-supportive developments selected by the board of trustees.
 - (b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.
 - (c)
 - (i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.
 - (ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.
 - (d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.
- (3) For any transit-oriented development or transit-supportive development authorized in this section, the public transit district shall:
- (a) perform a cost-benefit analysis of the monetary investment and expenditures of the development, including effect on:

- (i) service and ridership;
 - (ii) regional plans made by the metropolitan planning agency;
 - (iii) the local economy;
 - (iv) the environment and air quality;
 - (v) affordable housing; and
 - (vi) integration with other modes of transportation; and
- (b) provide evidence to the public of a quantifiable positive return on investment, including improvements to public transit service.
- (4) A public transit district may be funded from any combination of federal, state, local, or private funds.
- (5) A public transit district may not acquire property by eminent domain.

Amended by Chapter 424, 2018 General Session

17B-2a-805 Limitations on authority of a public transit district.

- (1) A public transit district may not exercise control over a transit facility or public transit service or system owned or operated inside or outside the district by a governmental entity unless, upon mutually agreeable terms, the governmental entity consents.
- (2)
- (a) A public transit district may not establish, directly or indirectly, a public transit service or system, or acquire a facility necessary or incidental to a public transit service or system, in a manner or form that diverts, lessens, or competes for the patronage or revenue of a preexisting system of a publicly or privately owned public carrier furnishing like service, unless the district obtains the consent of the publicly or privately owned carrier.
 - (b) A public transit district's maintenance and operation of an existing system that the district acquires from a publicly or privately owned public carrier may not be considered to be the establishment of a public transit service or system under this Subsection (2).
 - (c) A public transit district's introduction, maintenance, or operation of a system may not be considered to be the establishment of a public transit service or system under this Subsection (2) if the service or system is introduced, maintained, or operated by the public transit district:
 - (i) as part of a program of projects approved by the Federal Transit Administration;
 - (ii) in cooperation with the state or a political subdivision of the state, pursuant to an interlocal agreement; or
 - (iii) in accordance with Title 72, Chapter 12, Travel Reduction Act.

Amended by Chapter 146, 2011 General Session

17B-2a-806 Authority of the state or an agency of the state with respect to a public transit district -- Counties and municipalities authorized to provide funds to public transit district -- Equitable allocation of resources within the public transit district.

- (1) The state or an agency of the state may:
- (a) make public contributions to a public transit district as in the judgment of the Legislature or governing board of the agency are necessary or proper;
 - (b) authorize a public transit district to perform, or aid and assist a public transit district in performing, an activity that the state or agency is authorized by law to perform.
- (2)
- (a) A county or municipality involved in the establishment and operation of a public transit district may provide funds necessary for the operation and maintenance of the district.

- (b) A county's use of property tax funds to establish and operate a public transit district within any part of the county is a county purpose under Section 17-53-220.
- (3)
 - (a) To allocate resources and funds for development and operation of a public transit district, whether received under this section or from other sources, a public transit district may:
 - (i) give priority to public transit services that feed rail fixed guideway services; and
 - (ii) allocate funds according to population distribution within the public transit district.
 - (b) The comptroller of a public transit district shall report the criteria and data supporting the allocation of resources and funds in the statement required in Section 17B-2a-812.

Amended by Chapter 121, 2017 General Session

17B-2a-807 Small public transit district board of trustees -- Appointment -- Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.

- (1)
 - (a) For a small public transit district, the board of trustees shall consist of members appointed by the legislative bodies of each municipality, county, or unincorporated area within any county on the basis of one member for each full unit of regularly scheduled passenger routes proposed to be served by the district in each municipality or unincorporated area within any county in the following calendar year.
 - (b) For purposes of determining membership under Subsection (1)(a), the number of service miles comprising a unit shall be determined jointly by the legislative bodies of the municipalities or counties comprising the district.
 - (c) The board of trustees of a public transit district under this section may include a member that is a commissioner on the Transportation Commission created in Section 72-1-301 and appointed as provided in Subsection (8), who shall serve as a nonvoting, ex officio member.
 - (d) Members appointed under this section shall be appointed and added to the board or omitted from the board at the time scheduled routes are changed, or as municipalities, counties, or unincorporated areas of counties annex to or withdraw from the district using the same appointment procedures.
 - (e) For purposes of appointing members under this section, municipalities, counties, and unincorporated areas of counties in which regularly scheduled passenger routes proposed to be served by the district in the following calendar year is less than a full unit, as defined in Subsection (1)(b), may combine with any other similarly situated municipality or unincorporated area to form a whole unit and may appoint one member for each whole unit formed.
- (2) Upon the completion of an annexation to a public transit district under Chapter 1, Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the same basis as if the area had been included in the district as originally organized.
- (3)
 - (a) Vacancies for members shall be filled by the official appointing the member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within 90 days.
 - (b) If the appointing official under Subsection (1) does not fill the vacancy within 90 days, the board of trustees of the authority shall fill the vacancy.
- (4)
 - (a) Each voting member may cast one vote on all questions, orders, resolutions, and ordinances coming before the board of trustees.

- (b) A majority of all voting members of the board of trustees are a quorum for the transaction of business.
- (c) The affirmative vote of a majority of all voting members present at any meeting at which a quorum was initially present shall be necessary and, except as otherwise provided, is sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.
- (5) Each public transit district shall pay to each member per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.
- (6)
 - (a) Members of the initial board of trustees shall convene at the time and place fixed by the chief executive officer of the entity initiating the proceedings.
 - (b) The board of trustees shall elect from its voting membership a chair, vice chair, and secretary.
 - (c) The members elected under Subsection (6)(b) shall serve for a period of two years or until their successors shall be elected and qualified.
 - (d) On or after January 1, 2011, a locally elected public official is not eligible to serve as the chair, vice chair, or secretary of the board of trustees.
- (7)
 - (a) Except as otherwise authorized under Subsection (7)(b), at the time of a member's appointment or during a member's tenure in office, a member may not hold any employment, except as an independent contractor or locally elected public official, with a county or municipality within the district.
 - (b) A member appointed by a county or municipality may hold employment with the county or municipality if the employment is disclosed in writing and the public transit district board of trustees ratifies the appointment.
- (8) The Transportation Commission created in Section 72-1-301 may appoint a commissioner of the Transportation Commission to serve on the board of trustees of a small public transit district as a nonvoting, ex officio member.
- (9)
 - (a)
 - (i) Each member of the board of trustees of a public transit district is subject to recall at any time by the legislative body of the county or municipality from which the member is appointed.
 - (ii) Each recall of a board of trustees member shall be made in the same manner as the original appointment.
 - (iii) The legislative body recalling a board of trustees member shall provide written notice to the member being recalled.
 - (b) Upon providing written notice to the board of trustees, a member of the board may resign from the board of trustees.
 - (c) If a board member is recalled or resigns under this Subsection (9), the vacancy shall be filled as provided in Subsection (3).

Amended by Chapter 330, 2018 General Session

Amended by Chapter 424, 2018 General Session

17B-2a-807.1 Large public transit district board of trustees -- Appointment -- Quorum -- Compensation -- Terms.

- (1)
 - (a) For a large public transit district, the board of trustees shall consist of three members appointed as described in Subsection (1)(b).

- (b)
 - (i) The governor, with advice and consent of the Senate, shall appoint the members of the board of trustees, making an appointment from nominations given from each region created in Subsection (1)(b)(ii).
 - (ii)
 - (A) Before creation of a large public transit district, the political subdivision or subdivisions forming the large public transit district shall submit to the Legislature for approval a proposal for the creation of three regions for nominating members to the board of trustees of the large public transit district.
 - (B) For a large public transit district created after January 1, 2019, the Legislature, after receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate three regions for nominating members to the board of trustees of the large public transit district, and further describe the process for nomination for appointment to the board of trustees.
- (c) Each nominee shall be a qualified executive with technical and administrative experience and training appropriate for the position.
- (d) The board of trustees of a large public transit district shall be full-time employees of the public transit district.
- (e) The compensation package for the board of trustees shall be determined by a local advisory council as described in Section 17B-2a-808.2.
- (f)
 - (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit district, "quorum" means at least two members of the board of trustees.
 - (ii) Action by a majority of a quorum constitutes an action of the board of trustees.
 - (iii) A meeting of a quorum of the board of trustees of a large public transit district is subject to Section 52-4-103 regarding convening of a three-member board of trustees and what constitutes a public meeting.
- (2)
 - (a) Subject to Subsections (3) and (4), each member of the board of trustees of a large public transit district shall serve for a term of four years.
 - (b) A member of the board of trustees may serve an unlimited number of terms.
- (3) Each member of the board of trustees of a large public transit district shall serve at the pleasure of the governor.
- (4) The first time the board of trustees is appointed under this section, the governor shall stagger the initial term of each of the members of the board of trustees as follows:
 - (a) one member of the board of trustees shall serve an initial term of two years;
 - (b) one member of the board of trustees shall serve an initial term of three years; and
 - (c) one member of the board of trustees shall serve an initial term of four years.
- (5) The governor shall designate one member of the board of trustees as chair of the board of trustees.
- (6)
 - (a) If a vacancy occurs, the nomination and appointment procedures to replace the individual shall occur in the same manner described in Subsection (1) for the member creating the vacancy.
 - (b) A replacement board member shall serve for the remainder of the unexpired term, but may serve an unlimited number of terms as provided in Subsection (2)(b).
 - (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy within 60 days, the governor shall appoint an individual to fill the vacancy.

Amended by Chapter 479, 2019 General Session

17B-2a-807.2 Existing large public transit district board of trustees -- Appointment -- Quorum -- Compensation -- Terms.

- (1)
 - (a)
 - (i) For a large public transit district created before January 1, 2019, and except as provided in Subsection (7), the board of trustees shall consist of three members appointed as described in Subsection (1)(b).
 - (ii) For purposes of a large public transit district created before January 1, 2019, the nominating regions are as follows:
 - (A) a central region that is Salt Lake County;
 - (B) a southern region that is comprised of Utah County and the portion of Tooele County that is part of the large public transit district; and
 - (C) a northern region that is comprised of Davis County, Weber County, and the portion of Box Elder County that is part of the large public transit district.
 - (iii)
 - (A) If a large public transit district created before January 1, 2019, annexes an additional county into the large public transit district pursuant to Section 17B-1-402, following the issuance of the certificate of annexation by the lieutenant governor, the political subdivisions making up the large public transit district shall submit to the Legislature for approval a proposal for the creation of three regions for nominating members to the board of trustees of the large public transit district.
 - (B) If a large public transit district created before January 1, 2019, has a change to the boundaries of the large public transit district, the Legislature, after receiving and considering the proposal described in Subsection (1)(a)(iii)(A), shall designate the three regions for nominating members to the board of trustees of the large public transit district.
 - (b)
 - (i) Except as provided in Subsection (5), the governor, with advice and consent of the Senate, shall appoint the members of the board of trustees, making:
 - (A) one appointment from individuals nominated from the central region as described in Subsection (2);
 - (B) one appointment from individuals nominated from the southern region described in Subsection (3); and
 - (C) one appointment from individuals nominated from the northern region described in Subsection (4).
- (2) For the appointment from the central region, the governor shall appoint one individual selected from five individuals nominated as follows:
 - (a) two individuals nominated by the council of governments of Salt Lake County; and
 - (b) three individuals nominated by the mayor of Salt Lake County, with approval of the Salt Lake County council.
- (3) For the appointment from the southern region, the governor shall appoint one individual selected from five individuals nominated as follows:
 - (a) two individuals nominated by the council of governments of Utah County;
 - (b) two individuals nominated by the county commission of Utah County; and
 - (c) one individual nominated by the county commission of Tooele County.

- (4) For the appointment from the northern region, the governor shall appoint one individual selected from five individuals nominated as follows:
 - (a) one individual nominated by the council of governments of Davis County;
 - (b) one individual nominated by the council of governments of Weber County;
 - (c) one individual nominated by the county commission of Davis County;
 - (d) one individual nominated by the county commission of Weber County; and
 - (e) one individual nominated by the county commission of Box Elder County.
- (5) If the governor fails to appoint one of the individuals nominated as described in Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the following appointment procedures apply:
 - (a) for an appointment for the central region, the Salt Lake County council shall appoint an individual, with confirmation by the Senate;
 - (b) for an appointment for the southern region, the Utah County commission shall appoint an individual, in consultation with the Tooele County commission, with confirmation by the Senate; and
 - (c) for an appointment for the northern region, the Davis County commission and the Weber County commission, collectively, and in consultation with the Box Elder County commission, shall appoint an individual, with confirmation by the Senate.
- (6)
 - (a) Each nominee shall be a qualified executive with technical and administrative experience and training appropriate for the position.
 - (b) The board of trustees of a large public transit district shall be full-time employees of the public transit district.
 - (c) The compensation package for the board of trustees shall be determined by the local advisory council as described in Section 17B-2a-808.2.
 - (d)
 - (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit district, "quorum" means at least two members of the board of trustees.
 - (ii) Action by a majority of a quorum constitutes an action of the board of trustees.
 - (iii) A meeting of a quorum of a board of trustees of a large public transit district is subject to Section 52-4-103 regarding convening of a three-member board of trustees and what constitutes a public meeting.
- (7)
 - (a) Subject to Subsection (8), each member of the board of trustees of a large public transit district shall serve for a term of four years.
 - (b) A member of the board of trustees may serve an unlimited number of terms.
 - (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a term of a member of the board of trustees, if the respective nominating entities and individuals for the respective region described in Subsection (2), (3), or (4), unanimously agree to retain the existing member of the board of trustees, the respective nominating individuals or bodies described in Subsection (2), (3), or (4) are not required to make nominations to the governor, and the governor may reappoint the existing member to the board of trustees.
- (8) Each member of the board of trustees of a large public transit district shall serve at the pleasure of the governor.
- (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit district that is in place as of February 1, 2019, may remain in place.
- (10) The governor shall designate one member of the board of trustees as chair of the board of trustees.

(11)

- (a) If a vacancy occurs, the nomination and appointment procedures to replace the individual shall occur in the same manner described in Subsection (2), (3), or (4), and, if applicable, Subsection (5), for the respective member of the board of trustees creating the vacancy.
- (b) If a vacancy occurs on the board of trustees of a large public transit district, the respective nominating region shall nominate individuals to the governor as described in this section within 60 days after the vacancy occurs.
- (c) If the respective nominating region does not nominate to fill the vacancy within 60 days, the governor shall appoint an individual to fill the vacancy.
- (d) A replacement board member shall serve for the remainder of the unexpired term, but may serve an unlimited number of terms as provided in Subsection (7)(b).

Enacted by Chapter 479, 2019 General Session

17B-2a-808 Small public transit district board of trustees powers and duties -- Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.

- (1) The powers and duties of a board of trustees of a small public transit district stated in this section are in addition to the powers and duties stated in Section 17B-1-301.
- (2) The board of trustees of each small public transit district shall:
 - (a) appoint and fix the salary of a general manager, a chief executive officer, or both, as provided in Section 17B-2a-811;
 - (b) determine the transit facilities that the district should acquire or construct;
 - (c) supervise and regulate each transit facility that the district owns and operates, including:
 - (i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals, and charges; and
 - (ii) making and enforcing rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;
 - (d) control the investment of all funds assigned to the district for investment, including funds:
 - (i) held as part of a district's retirement system; and
 - (ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;
 - (e) invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;
 - (f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;
 - (g)
 - (i) cause an annual audit of all district books and accounts to be made by an independent certified public accountant;
 - (ii) as soon as practicable after the close of each fiscal year, submit to the chief administrative officer and legislative body of each county and municipality with territory within the district a financial report showing:
 - (A) the result of district operations during the preceding fiscal year; and
 - (B) the district's financial status on the final day of the fiscal year; and
 - (iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon request in a quantity that the board considers appropriate;
 - (h) report at least annually to the Transportation Commission created in Section 72-1-301 the district's short-term and long-range public transit plans, including the transit portions of

- applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134;
- (i) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that the board of trustees determines to be the most critical to the success of the organization; and
 - (j) hear audit reports for audits conducted in accordance with Subsection (2)(i).
- (3) A board of trustees of a public transit district may:
- (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that are:
 - (i) not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and
 - (ii) necessary for:
 - (A) the government and management of the affairs of the district;
 - (B) the execution of district powers; and
 - (C) carrying into effect the provisions of this part;
 - (b) provide by resolution, under terms and conditions the board considers fit, for the payment of demands against the district without prior specific approval by the board, if the payment is:
 - (i) for a purpose for which the expenditure has been previously approved by the board;
 - (ii) in an amount no greater than the amount authorized; and
 - (iii) approved by the general manager or other officer or deputy as the board prescribes;
 - (c)
 - (i) hold public hearings and subpoena witnesses; and
 - (ii) appoint district officers to conduct a hearing and require the officers to make findings and conclusions and report them to the board; and
 - (d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(f).
- (4) A member of the board of trustees of a public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.
- (5)
- (a) The vote of the board of trustees on each ordinance shall be by roll call vote with each affirmative and negative vote recorded.
 - (b)
 - (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or order by voice vote.
 - (ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if a member of the board so demands.
 - (c)
 - (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public transit district may not adopt an ordinance unless it is:
 - (A) introduced at least a day before the board of trustees adopts it; or
 - (B) mailed by registered mail, postage prepaid, to each member of the board of trustees at least five days before the day upon which the ordinance is presented for adoption.
 - (ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote of all board members present at a meeting at which at least 3/4 of all board members are present.
 - (d) Each ordinance adopted by a public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.

Amended by Chapter 424, 2018 General Session

17B-2a-808.1 Large public transit district board of trustees powers and duties -- Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.

- (1) The powers and duties of a board of trustees of a large public transit district stated in this section are in addition to the powers and duties stated in Section 17B-1-301.
- (2) The board of trustees of each large public transit district shall:
 - (a) hold public meetings and receive public comment;
 - (b) ensure that the policies, procedures, and management practices established by the public transit district meet state and federal regulatory requirements and federal grantee eligibility;
 - (c) subject to Subsection (8), create and approve an annual budget, including the issuance of bonds and other financial instruments, after consultation with the local advisory council;
 - (d) approve any interlocal agreement with a local jurisdiction;
 - (e) in consultation with the local advisory council, approve contracts and overall property acquisitions and dispositions for transit-oriented development;
 - (f) in consultation with constituent counties, municipalities, metropolitan planning organizations, and the local advisory council:
 - (i) develop and approve a strategic plan for development and operations on at least a four-year basis; and
 - (ii) create and pursue funding opportunities for transit capital and service initiatives to meet anticipated growth within the public transit district;
 - (g) annually report the public transit district's long-term financial plan to the State Bonding Commission;
 - (h) annually report the public transit district's progress and expenditures related to state resources to the Executive Appropriations Committee and the Infrastructure and General Government Appropriations Subcommittee;
 - (i) annually report to the Transportation Interim Committee the public transit district's efforts to engage in public-private partnerships for public transit services;
 - (j)
 - (i) in partnership with the Department of Transportation, study and evaluate the feasibility of a strategic transition of a large public transit district into a state entity; and
 - (ii) in partnership with the Department of Transportation, before November 30, 2019, report on the progress of the study to the Transportation Interim Committee and the Infrastructure and General Government Appropriations Subcommittee;
 - (k) hire, set salaries, and develop performance targets and evaluations for:
 - (i) the executive director; and
 - (ii) all chief level officers;
 - (l) supervise and regulate each transit facility that the public transit district owns and operates, including:
 - (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and charges; and
 - (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;
 - (m) subject to Subsection (4), control the investment of all funds assigned to the district for investment, including funds:
 - (i) held as part of a district's retirement system; and
 - (ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;
 - (n) in consultation with the local advisory council created under Section 17B-2a-808.2, invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;

- (o) if a custodian is appointed under Subsection (3)(d), and subject to Subsection (4), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;
 - (p)
 - (i) cause an annual audit of all public transit district books and accounts to be made by an independent certified public accountant;
 - (ii) as soon as practicable after the close of each fiscal year, submit to each of the councils of governments within the public transit district a financial report showing:
 - (A) the result of district operations during the preceding fiscal year;
 - (B) an accounting of the expenditures of all local sales and use tax revenues generated under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;
 - (C) the district's financial status on the final day of the fiscal year; and
 - (D) the district's progress and efforts to improve efficiency relative to the previous fiscal year; and
 - (iii) supply copies of the report under Subsection (2)(p)(ii) to the general public upon request;
 - (q) report at least annually to the Transportation Commission created in Section 72-1-301, which report shall include:
 - (i) the district's short-term and long-range public transit plans, including the portions of applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134; and
 - (ii) any transit capital development projects that the board of trustees would like the Transportation Commission to consider;
 - (r) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that the board of trustees determines, in consultation with the local advisory council created in Section 17B-2a-808.2, to be the most critical to the success of the organization;
 - (s) together with the local advisory council created in Section 17B-2a-808.2, hear audit reports for audits conducted in accordance with Subsection (2)(p);
 - (t) review and approve all contracts pertaining to reduced fares, and evaluate existing contracts, including review of:
 - (i) how negotiations occurred;
 - (ii) the rationale for providing a reduced fare; and
 - (iii) identification and evaluation of cost shifts to offset operational costs incurred and impacted by each contract offering a reduced fare;
 - (u) in consultation with the local advisory council, develop and approve other board policies, ordinances, and bylaws; and
 - (v) review and approve any:
 - (i) contract or expense exceeding \$200,000; or
 - (ii) proposed change order to an existing contract if the value of the change order exceeds:
 - (A) 15% of the total contract; or
 - (B) \$200,000.
- (3) A board of trustees of a large public transit district may:
- (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that are:
 - (i) not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and
 - (ii) necessary for:
 - (A) the governance and management of the affairs of the district;
 - (B) the execution of district powers; and
 - (C) carrying into effect the provisions of this part;

- (b) provide by resolution, under terms and conditions the board considers fit, for the payment of demands against the district without prior specific approval by the board, if the payment is:
 - (i) for a purpose for which the expenditure has been previously approved by the board;
 - (ii) in an amount no greater than the amount authorized; and
 - (iii) approved by the executive director or other officer or deputy as the board prescribes;
 - (c) in consultation with the local advisory council created in Section 17B-2a-808.2:
 - (i) hold public hearings and subpoena witnesses; and
 - (ii) appoint district officers to conduct a hearing and require the officers to make findings and conclusions and report them to the board; and
 - (d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(o).
- (4) For a large public transit district in existence as of May 8, 2018, on or before September 30, 2019, the board of trustees of a large public transit district shall present a report to the Transportation Interim Committee regarding retirement benefits of the district, including:
- (a) the feasibility of becoming a participating employer and having retirement benefits of eligible employees and officials covered in applicable systems and plans administered under Title 49, Utah State Retirement and Insurance Benefit Act;
 - (b) any legal or contractual restrictions on any employees that are party to a collectively bargained retirement plan; and
 - (c) a comparison of retirement plans offered by the large public transit district and similarly situated public employees, including the costs of each plan and the value of the benefit offered.
- (5) The board of trustees may not issue a bond unless the board of trustees has consulted and received approval from the State Bonding Commission created in Section 63B-1-201.
- (6) A member of the board of trustees of a large public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.
- (7)
- (a) The vote of the board of trustees on each ordinance or resolution shall be by roll call vote with each affirmative and negative vote recorded.
 - (b) The board of trustees of a large public transit district may not adopt an ordinance unless it is introduced at least 24 hours before the board of trustees adopts it.
 - (c) Each ordinance adopted by a large public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.
- (8)
- (a) For a large public transit district in existence on May 8, 2018, for the budget for calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.
 - (b) The budget described in Subsection (8)(a) shall include setting the salary of each of the members of the board of trustees that will assume control on or before November 1, 2018, which salary may not exceed \$150,000, plus additional retirement and other standard benefits, as set by the local advisory council as described in Section 17B-2a-808.2.
 - (c) For a large public transit district in existence on May 8, 2018, the board of trustees that assumes control of the large public transit district on or before November 2, 2018, shall approve the calendar year 2019 budget on or before December 31, 2018.

Amended by Chapter 479, 2019 General Session

17B-2a-808.2 Large public transit district local advisory council -- Powers and duties.

- (1) A large public transit district shall create and consult with a local advisory council.

- (2)
 - (a)
 - (i) For a large public transit district in existence as of January 1, 2019, the local advisory council shall have membership selected as described in Subsection (2)(b).
 - (ii)
 - (A) For a large public transit district created after January 1, 2019, the political subdivision or subdivisions forming the large public transit district shall submit to the Legislature for approval a proposal for the appointments to the local advisory council of the large public transit district similar to the appointment process described in Subsection (2)(b).
 - (B) Upon approval of the Legislature, each nominating individual or body shall appoint individuals to the local advisory council.
 - (b)
 - (i) The council of governments of Salt Lake County shall appoint three members to the local advisory council.
 - (ii) The mayor of Salt Lake City shall appoint one member to the local advisory council.
 - (iii) The council of governments of Utah County shall appoint two members to the local advisory council.
 - (iv) The council of governments of Davis County and Weber County shall each appoint one member to the local advisory council.
 - (v) The councils of governments of Box Elder County and Tooele County shall jointly appoint one member to the local advisory council.
- (3) The local advisory council shall meet at least quarterly in a meeting open to the public for comment to discuss the service, operations, and any concerns with the public transit district operations and functionality.
- (4) The duties of the local advisory council shall include:
 - (a) setting the compensation packages of the board of trustees, which salary may not exceed \$150,000, plus additional retirement and other standard benefits;
 - (b) reviewing, approving, and recommending final adoption by the board of trustees of the large public transit district service plans at least every two and one-half years;
 - (c) reviewing, approving, and recommending final adoption by the board of trustees of project development plans, including funding, of all new capital development projects;
 - (d) reviewing, approving, and recommending final adoption by the board of trustees of any plan for a transit-oriented development where a large public transit district is involved;
 - (e) at least annually, engaging with the safety and security team of the large public transit district to ensure coordination with local municipalities and counties;
 - (f) assisting with coordinated mobility and constituent services provided by the public transit district;
 - (g) representing and advocating the concerns of citizens within the public transit district to the board of trustees; and
 - (h) other duties described in Section 17B-2a-808.1.
- (5) The local advisory council shall meet at least quarterly with and consult with the board of trustees and advise regarding the operation and management of the public transit district.

Amended by Chapter 479, 2019 General Session

17B-2a-809 Public transit districts to submit agendas and minutes of board meetings.

- (1) The board of trustees of each public transit district shall submit to each constituent entity, as defined in Section 17B-1-701:

- (a) a copy of the board agenda and a notice of the location and time of the board meeting within the same time frame provided to members of the board prior to the meeting; and
 - (b) a copy of the minutes of board meetings within five working days following approval of the minutes.
- (2) The board may submit notices, agendas, and minutes by electronic mail if agreed to by the constituent entity as defined under Section 17B-1-701.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-2a-810 Officers of a public transit district.

- (1)
- (a) The officers of a public transit district shall consist of:
 - (i) the members of the board of trustees;
 - (ii) for a small public transit district, a chair and vice chair, appointed by the board of trustees, subject to Subsection (1)(c);
 - (iii) a secretary, appointed by the board of trustees;
 - (iv)
 - (A) for a small public transit district, a general manager, appointed by the board of trustees as provided in Section 17B-2a-811, whose duties may be allocated by the board of trustees, at the board of trustees' discretion, to a chief executive officer, or both; or
 - (B) for a large public transit district, an executive director appointed by the board of trustees as provided in Section 17B-2a-811.1;
 - (v) for a small public transit district, a chief executive officer appointed by the board of trustees, as provided in Section 17B-2a-811;
 - (vi) for a small public transit district, a general counsel, appointed by the board of trustees, subject to Subsection (1)(d);
 - (vii) a treasurer, appointed as provided in Section 17B-1-633;
 - (viii) a comptroller, appointed by the board of trustees, subject to Subsection (1)(e);
 - (ix) for a large public transit district, an internal auditor, appointed by the board of trustees, subject to Subsection (1)(f); and
 - (x) other officers, assistants, and deputies that the board of trustees considers necessary.
 - (b) The board of trustees of a small public transit district may, at its discretion, appoint a president, who shall also be considered an officer of a public transit district.
 - (c) The district chair and vice chair of a small public transit district shall be members of the board of trustees.
 - (d) The person appointed as general counsel for a small public transit district shall:
 - (i) be admitted to practice law in the state; and
 - (ii) have been actively engaged in the practice of law for at least seven years next preceding the appointment.
 - (e) The person appointed as comptroller shall have been actively engaged in the practice of accounting for at least seven years next preceding the appointment.
 - (f) The person appointed as internal auditor shall be a licensed certified internal auditor or certified public accountant with at least five years experience in the auditing or public accounting profession, or the equivalent, prior to appointment.
- (2)
- (a) For a small public transit district, the district's general manager or chief executive officer, as the board prescribes, or for a large public transit district, the executive director, shall appoint all officers and employees not specified in Subsection (1).

- (b) Each officer and employee appointed by the district's general manager or chief executive officer of a small public transit district, or the executive director of a large public transit district, serves at the pleasure of the appointing general manager, chief executive officer, or executive director.
- (3) The board of trustees shall by ordinance or resolution fix the compensation of all district officers and employees, except as otherwise provided in this part.
- (4)
 - (a) Each officer appointed by the board of trustees or by the district's general manager, chief executive officer, or executive director shall take the oath of office specified in Utah Constitution, Article IV, Section 10.
 - (b) Each oath under Subsection (4)(a) shall be subscribed and filed with the district secretary no later than 15 days after the commencement of the officer's term of office.

Amended by Chapter 424, 2018 General Session

17B-2a-810.1 Attorney general as legal counsel for a large public transit district -- Large public transit district may sue and be sued.

- (1) Subject to Subsection (2), in accordance with Title 67, Chapter 5, Attorney General, the Utah attorney general shall serve as legal counsel for a large public transit district.
- (2)
 - (a) For any large public transit district in existence as of May 8, 2018, the transition to legal representation by the Utah attorney general shall occur as described in this Subsection (2), but no later than July 1, 2019.
 - (b)
 - (i) For any large public transit district in existence as of May 8, 2018, in partnership with the Utah attorney general, the board of trustees of the large public transit district shall study and develop a strategy to transition legal representation from a general counsel to the Utah attorney general.
 - (ii) In partnership with the Utah attorney general, the board of trustees of the large public transit district shall present a report to the Transportation Interim Committee before November 30, 2018, to:
 - (A) outline the transition strategy; and
 - (B) request any legislation that might be required for the transition.
- (3) Sections 67-5-6 through 13, Attorney General Career Service Act, apply to representation of a large public transit district by the Utah attorney general.
- (4) A large public transit district may sue, and it may be sued only on written contracts made by it or under its authority.
- (5) In all matters requiring legal advice in the performance of the attorney general's duties and in the prosecution or defense of any action growing out of the performance of the attorney general's duties, the attorney general is the legal adviser of a large public transit district and shall perform any and all legal services required by the large public transit district.
- (6) The attorney general shall aid in any investigation, hearing, or trial under the provisions of this part and institute and prosecute actions or proceedings for the enforcement of the provisions of the Constitution and statutes of this state or any rule or ordinance of the large public transit district affecting and related to public transit, persons, and property.

Enacted by Chapter 424, 2018 General Session

17B-2a-811 General manager or chief executive officer of a small public transit district.

- (1)
- (a) The board of trustees of a small public transit district shall appoint a person as a general manager.
 - (b) The board of trustees of a small public transit district may, at its discretion, appoint a person as a chief executive officer.
 - (c) The board of trustees of a small public transit district shall allocate the responsibilities defined in Subsection (2) between the general manager and the chief executive officer, if the board of trustees appoints a chief executive officer.
 - (d) The chief executive officer shall have the same rights allocated to the general manager under Subsections (3) and (4).
 - (e) The appointment of a general manager, chief executive officer, or both, shall be by the affirmative vote of a majority of all members of the board of trustees.
 - (f) The board's appointment of a person as general manager, chief executive officer, or both, shall be based on the person's qualifications, with special reference to the person's actual experience in or knowledge of accepted practices with respect to the duties of the office.
 - (g) A person appointed as general manager or chief executive officer of a small public transit district is not required to be a resident of the state at the time of appointment.
- (2) A general manager or chief executive officer of a small public transit district shall have the following responsibilities as allocated by the board of trustees:
- (a) be a full-time officer and devote full time to the district's business;
 - (b) ensure that all district ordinances are enforced;
 - (c) prepare and submit to the board of trustees, as soon as practical but not less than 45 days after the end of each fiscal year, a complete report on the district's finances and administrative activities for the preceding year;
 - (d) keep the board of trustees advised as to the district's needs;
 - (e) prepare or cause to be prepared all plans and specifications for the construction of district works;
 - (f) cause to be installed and maintained a system of auditing and accounting that completely shows the district's financial condition at all times; and
 - (g) attend meetings of the board of trustees.
- (3) A general manager of a small public transit district:
- (a) serves at the pleasure of the board of trustees;
 - (b) holds office for an indefinite term;
 - (c) may be removed by the board of trustees upon the adoption of a resolution by the affirmative vote of a majority of all members of the board, subject to Subsection (5);
 - (d) has full charge of:
 - (i) the acquisition, construction, maintenance, and operation of district facilities; and
 - (ii) the administration of the district's business affairs;
 - (e) is entitled to participate in the deliberations of the board of trustees as to any matter before the board; and
 - (f) may not vote at a meeting of the board of trustees.
- (4) The board of trustees may not reduce the general manager's salary below the amount fixed at the time of original appointment unless:
- (a) the board adopts a resolution by a vote of a majority of all members; and
 - (b) if the general manager demands in writing, the board gives the general manager the opportunity to be publicly heard at a meeting of the board before the final vote on the resolution reducing the general manager's salary.

- (5)
 - (a) Before adopting a resolution providing for a general manager's removal as provided in Subsection (3)(c), the board shall, if the manager makes a written demand:
 - (i) give the general manager a written statement of the reasons alleged for the general manager's removal; and
 - (ii) allow the general manager to be publicly heard at a meeting of the board of trustees.
 - (b) Notwithstanding Subsection (5)(a), the board of trustees of a public transit district may suspend a general manager from office pending and during a hearing under Subsection (5)(a)(ii).
- (6) The action of a board of trustees suspending or removing a general manager or reducing the general manager's salary is final.

Amended by Chapter 424, 2018 General Session

17B-2a-811.1 Executive director of a large public transit district.

- (1)
 - (a) The board of trustees of a large public transit district shall appoint a person as an executive director.
 - (b) The appointment of an executive director shall be by the affirmative vote of a majority of the board of trustees.
 - (c) The board's appointment of a person as executive director shall be based on the person's qualifications, with special reference to the person's actual experience in or knowledge of accepted practices with respect to the duties of the office.
 - (d) A person appointed as executive director of a large public transit district is not required to be a resident of the state at the time of appointment.
- (2) An executive director of a large public transit district shall:
 - (a) be a full-time officer and devote full time to the district's business;
 - (b) serve at the pleasure of the board of trustees;
 - (c) hold office for an indefinite term;
 - (d) ensure that all district ordinances are enforced;
 - (e) prepare and submit to the board of trustees, as soon as practical but not less than 45 days after the end of each fiscal year, a complete report on the district's finances and administrative activities for the preceding year;
 - (f) advise the board of trustees regarding the needs of the district;
 - (g) in consultation with the board of trustees, prepare or cause to be prepared all plans and specifications for the construction of district works;
 - (h) cause to be installed and maintained a system of auditing and accounting that completely shows the district's financial condition at all times;
 - (i) attend meetings of the board of trustees;
 - (j) in consultation with the board of trustees, have charge of:
 - (i) the acquisition, construction, maintenance, and operation of district facilities; and
 - (ii) the administration of the district's business affairs; and
 - (k) be entitled to participate in the deliberations of the board of trustees as to any matter before the board.
- (3) The board of trustees may not remove the executive director or reduce the executive director's salary below the amount fixed at the time of original appointment unless:
 - (a) the board adopts a resolution by a vote of a majority of all members; and

- (b) if the executive director demands in writing, the board gives the executive director the opportunity to be publicly heard at a meeting of the board before the final vote on the resolution removing the executive director or reducing the executive director's salary.
- (4)
 - (a) Before adopting a resolution providing for the removal of the executive director or a reduction in the executive director's salary as provided in Subsection (3), the board shall, if the executive director makes a written demand:
 - (i) give the executive director a written statement of the reasons alleged for the removal or reduction in salary; and
 - (ii) allow the executive director to be publicly heard at a meeting of the board of trustees.
 - (b) Notwithstanding Subsection (4)(a), the board of trustees of a public transit district may suspend an executive director from office pending and during a hearing under Subsection (4)(a)(ii).
- (5) The action of a board of trustees suspending or removing an executive director or reducing the executive director's salary is final.

Enacted by Chapter 424, 2018 General Session

17B-2a-812 Comptroller required to provide statement of revenues and expenditures.

The comptroller of each public transit district shall, as soon as possible after the close of each fiscal year:

- (1) prepare a statement of revenues and expenditures for the fiscal year just ended, in the detail that the board of trustees prescribes; and
- (2) transmit a copy of the statement to the chief executive officer of:
 - (a) each municipality within the district; and
 - (b) each county with unincorporated area within the district.

Enacted by Chapter 329, 2007 General Session

17B-2a-813 Rights, benefits, and protective conditions for employees of a public transit district -- Strike prohibited -- Employees of an acquired transit system.

- (1) The rights, benefits, and other employee protective conditions and remedies of Section 13(c) of the Urban Mass Transportation Act of 1964, 49 U.S.C. Sec. 5333(b), as determined by the Secretary of Labor, apply to a public transit district's establishment and operation of a public transit service or system.
- (2)
 - (a) Employees of a public transit system established and operated by a public transit district have the right to:
 - (i) self-organization;
 - (ii) form, join, or assist labor organizations; and
 - (iii) bargain collectively through representatives of their own choosing.
 - (b) Employees of a public transit district and labor organizations may not join in a strike against the public transit system operated by the public transit district.
 - (c) Each public transit district shall:
 - (i) recognize and bargain exclusively with any labor organization representing a majority of the district's employees in an appropriate unit with respect to wages, salaries, hours, working conditions, and welfare, pension, and retirement provisions; and

- (ii) upon reaching agreement with the labor organization, enter into and execute a written contract incorporating the agreement.
- (3) If a public transit district acquires an existing public transit system:
 - (a) all employees of the acquired system who are necessary for the operation of the acquired system, except executive and administrative officers and employees, shall be:
 - (i) transferred to and appointed employees of the acquiring public transit district; and
 - (ii) given sick leave, seniority, vacation, and pension or retirement credits in accordance with the acquired system's records;
 - (b) members and beneficiaries of a pension or retirement plan or other program of benefits that the acquired system has established shall continue to have rights, privileges, benefits, obligations, and status with respect to that established plan or program; and
 - (c) the public transit district may establish, amend, or modify, by agreement with employees or their authorized representatives, the terms, conditions, and provisions of a pension or retirement plan or of an amendment or modification of a pension or retirement plan.
- (4) A pension administrator for a retirement plan sponsored by a public transit district or a person designated by the administrator shall maintain retirement records in accordance with Subsection 49-11-618(2).

Amended by Chapter 448, 2013 General Session

17B-2a-814 Public transit district trustees, officers, and employees subject to Utah Public Officers' and Employees' Ethics Act.

Each trustee, officer, and employee of a public transit district is subject to the provisions of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

Amended by Chapter 223, 2011 General Session

17B-2a-815 Rates and charges for service -- Fare collection information private.

- (1) The board of trustees of a public transit district shall fix rates and charges for service provided by the district by a two-thirds vote of all board members.
- (2) Rates and charges shall:
 - (a) be reasonable; and
 - (b) to the extent practicable:
 - (i) result in enough revenue to make the public transit system self supporting; and
 - (ii) be sufficient to:
 - (A) pay for district operating expenses;
 - (B) provide for repairs, maintenance, and depreciation of works and property that the district owns or operates;
 - (C) provide for the purchase, lease, or acquisition of property and equipment;
 - (D) pay the interest and principal of bonds that the district issues; and
 - (E) pay for contracts, agreements, leases, and other legal liabilities that the district incurs.
- (3)
 - (a) In accordance with Section 63G-2-302, the following personal information received by the district from a customer through any debit, credit, or electronic fare payment process is a private record under Title 63G, Chapter 2, Government Records Access and Management Act:
 - (i) travel data, including:
 - (A) the identity of the purchasing individual or entity;

- (B) travel dates, times, or frequency of use; and
 - (C) locations of use;
 - (ii) service type or vehicle identification used by the customer;
 - (iii) the unique transit pass identifier assigned to the customer; or
 - (iv) customer account information, including the cardholder's name, the credit or debit card number, the card issuer identification, or any other related information.
- (b) Private records described in this Subsection (3) that are received by a public transit district may only be disclosed in accordance with Section 63G-2-202.

Amended by Chapter 216, 2013 General Session

17B-2a-816 Hearing on a rate or charge or a proposal to fix the location of district facilities.

- (1)
- (a) The legislative body of a county or municipality with territory within a public transit district may, on behalf of a person who is a resident of the county or municipality, respectively, and who is a user of a public transit system operated by the public transit district, file a request for a hearing before the public transit district's board of trustees as to:
 - (i) the reasonableness of a rate or charge fixed by the board of trustees; or
 - (ii) a proposal for fixing the location of district facilities.
 - (b) Each request under Subsection (1)(a) shall:
 - (i) be in writing;
 - (ii) be filed with the board of trustees of the public transit district; and
 - (iii) state the subject matter on which a hearing is requested.
- (2)
- (a) At least 15 but not more than 60 days after a request under Subsection (1)(a) is filed, the public transit district's board of trustees shall hold a hearing on, as the case may be:
 - (i) the reasonableness of a rate or charge fixed by the board of trustees; or
 - (ii) a proposal for fixing the location of district facilities.
 - (b) The public transit district board of trustees shall provide notice of the hearing by:
 - (i) mailing, postage prepaid, a notice to:
 - (A) the county or municipality requesting the hearing; and
 - (B) the legislative body of each other county and municipality with territory within the public transit district; and
 - (ii) once publishing a notice.
- (3) At each hearing under Subsection (2)(a):
- (a) the legislative body of a county or municipality may intervene, be heard, and introduce evidence if the county or municipality:
 - (i) is eligible to file a request for hearing under Subsection (1); and
 - (ii) did not file a request for hearing;
 - (b) the public transit district, the county or municipality that filed the request for hearing, and an intervening county or municipality under Subsection (3)(a) may:
 - (i) call and examine witnesses;
 - (ii) introduce exhibits;
 - (iii) cross-examine opposing witnesses on any matter relevant to the issues, even though the matter was not covered in direct examination; and
 - (iv) rebut evidence introduced by others;
 - (c) evidence shall be taken on oath or affirmation;

- (d) technical rules of evidence need not be followed, regardless of the existence of a common law or statutory rule that makes improper the admission of evidence over objection in a civil action;
 - (e) hearsay evidence is admissible in order to supplement or explain direct evidence, but is not sufficient in itself to support a finding unless it would be admissible over objection in a civil action; and
 - (f) the public transit district board of trustees shall appoint a reporter to take a complete record of all proceedings and testimony before the board.
- (4)
- (a) Within 60 days after the conclusion of a hearing under Subsection (2)(a), the public transit district board of trustees shall render its decision in writing, together with written findings of fact.
 - (b) The board of trustees shall mail by certified mail, postage prepaid, a copy of the decision and findings to:
 - (i) the county or municipality that filed a request under Subsection (1); and
 - (ii) each county and municipality that intervened under Subsection (3)(a).
- (5) In any action to review a decision of a public transit district board of trustees under this section, the record on review shall consist of:
- (a) the written request for hearing, the transcript of the testimony at the hearing, and all exhibits introduced at the hearing; or
 - (b) if the parties stipulate in writing:
 - (i) the evidence specified in the stipulation; and
 - (ii) the written stipulation itself.

Enacted by Chapter 329, 2007 General Session

17B-2a-817 Voter approval required for property tax levy.

Notwithstanding the provisions of Section 17B-1-1001 and in addition to a property tax under Section 17B-1-1103 to pay general obligation bonds of the district, a public transit district may levy a property tax, as provided in and subject to Chapter 1, Part 10, Local District Property Tax Levy, if:

- (1) the district first submits the proposal to levy the property tax to voters within the district; and
- (2) a majority of voters within the district voting on the proposal vote in favor of the tax at an election held for that purpose on a date specified in Section 20A-1-204.

Amended by Chapter 415, 2013 General Session

17B-2a-818 Requirements applicable to public transit district contracts.

- (1) A public transit district shall comply with the applicable provisions of Title 63G, Chapter 6a, Utah Procurement Code.
- (2) If construction of a district facility or work exceeds \$750,000, the construction shall be let as provided in:
 - (a) Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) Section 17B-2a-818.5.

Amended by Chapter 347, 2012 General Session

17B-2a-818.5 Contracting powers of public transit districts -- Health insurance coverage.

- (1) As used in this section:
 - (a) "Aggregate" means the sum of all contracts, change orders, and modifications related to a single project.
 - (b) "Change order" means the same as that term is defined in Section 63G-6a-103.
 - (c) "Employee" means, as defined in Section 34A-2-104, an "employee," "worker," or "operative" who:
 - (i) works at least 30 hours per calendar week; and
 - (ii) meets employer eligibility waiting requirements for health care insurance, which may not exceed the first day of the calendar month following 60 days after the day on which the individual is hired.
 - (d) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.
 - (e) "Qualified health insurance coverage" means the same as that term is defined in Section 26-40-115.
 - (f) "Subcontractor" means the same as that term is defined in Section 63A-5-208.
- (2) Except as provided in Subsection (3), the requirements of this section apply to:
 - (a) a contractor of a design or construction contract entered into by the public transit district on or after July 1, 2009, if the prime contract is in an aggregate amount equal to or greater than \$2,000,000; and
 - (b) a subcontractor of a contractor of a design or construction contract entered into by the public transit district on or after July 1, 2009, if the subcontract is in an aggregate amount equal to or greater than \$1,000,000.
- (3) The requirements of this section do not apply to a contractor or subcontractor described in Subsection (2) if:
 - (a) the application of this section jeopardizes the receipt of federal funds;
 - (b) the contract is a sole source contract; or
 - (c) the contract is an emergency procurement.
- (4) A person that intentionally uses change orders, contract modifications, or multiple contracts to circumvent the requirements of this section is guilty of an infraction.
- (5)
 - (a) A contractor subject to the requirements of this section shall demonstrate to the public transit district that the contractor has and will maintain an offer of qualified health insurance coverage for the contractor's employees and the employee's dependents during the duration of the contract by submitting to the public transit district a written statement that:
 - (i) the contractor offers qualified health insurance coverage that complies with Section 26-40-115;
 - (ii) is from:
 - (A) an actuary selected by the contractor or the contractor's insurer; or
 - (B) an underwriter who is responsible for developing the employer group's premium rates; and
 - (iii) was created within one year before the day on which the statement is submitted.
 - (b) A contractor that is subject to the requirements of this section shall:
 - (i) place a requirement in each of the contractor's subcontracts that a subcontractor that is subject to the requirements of this section shall obtain and maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and
 - (ii) obtain from a subcontractor that is subject to the requirements of this section a written statement that:
 - (A) the subcontractor offers qualified health insurance coverage that complies with Section 26-40-115;

- (B) is from an actuary selected by the subcontractor or the subcontractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates; and
 - (C) was created within one year before the day on which the contractor obtains the statement.
- (c)
- (i)
 - (A) A contractor that fails to maintain an offer of qualified health insurance coverage as described in Subsection (5)(a) during the duration of the contract is subject to penalties in accordance with an ordinance adopted by the public transit district under Subsection (6).
 - (B) A contractor is not subject to penalties for the failure of a subcontractor to obtain and maintain an offer of qualified health insurance coverage described in Subsection (5)(b)(i).
 - (ii)
 - (A) A subcontractor that fails to obtain and maintain an offer of qualified health insurance coverage described in Subsection (5)(b)(i) during the duration of the subcontract is subject to penalties in accordance with an ordinance adopted by the public transit district under Subsection (6).
 - (B) A subcontractor is not subject to penalties for the failure of a contractor to maintain an offer of qualified health insurance coverage described in Subsection (5)(a).
- (6) The public transit district shall adopt ordinances:
- (a) in coordination with:
 - (i) the Department of Environmental Quality in accordance with Section 19-1-206;
 - (ii) the Department of Natural Resources in accordance with Section 79-2-404;
 - (iii) the State Building Board in accordance with Section 63A-5-205.5;
 - (iv) the State Capitol Preservation Board in accordance with Section 63C-9-403; and
 - (v) the Department of Transportation in accordance with Section 72-6-107.5; and
 - (b) that establish:
 - (i) the requirements and procedures a contractor and a subcontractor shall follow to demonstrate compliance with this section, including:
 - (A) that a contractor or subcontractor's compliance with this section is subject to an audit by the public transit district or the Office of the Legislative Auditor General;
 - (B) that a contractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(a); and
 - (C) that a subcontractor that is subject to the requirements of this section shall obtain a written statement described in Subsection (5)(b)(ii);
 - (ii) the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of this section, which may include:
 - (A) a three-month suspension of the contractor or subcontractor from entering into future contracts with the public transit district upon the first violation;
 - (B) a six-month suspension of the contractor or subcontractor from entering into future contracts with the public transit district upon the second violation;
 - (C) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and
 - (D) monetary penalties which may not exceed 50% of the amount necessary to purchase qualified health insurance coverage for employees and dependents of employees of the contractor or subcontractor who were not offered qualified health insurance coverage during the duration of the contract; and
 - (iii) a website on which the district shall post the commercially equivalent benchmark, for the qualified health insurance coverage identified in Subsection (1)(e), that is provided by the Department of Health, in accordance with Subsection 26-40-115(2).

- (7)
 - (a)
 - (i) In addition to the penalties imposed under Subsection (6)(b)(ii), a contractor or subcontractor who intentionally violates the provisions of this section is liable to the employee for health care costs that would have been covered by qualified health insurance coverage.
 - (ii) An employer has an affirmative defense to a cause of action under Subsection (7)(a)(i) if:
 - (A) the employer relied in good faith on a written statement described in Subsection (5)(a) or (5)(b)(ii); or
 - (B) a department or division determines that compliance with this section is not required under the provisions of Subsection (3).
 - (b) An employee has a private right of action only against the employee's employer to enforce the provisions of this Subsection (7).
- (8) Any penalties imposed and collected under this section shall be deposited into the Medicaid Restricted Account created in Section 26-18-402.
- (9) The failure of a contractor or subcontractor to provide qualified health insurance coverage as required by this section:
 - (a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under:
 - (i) Section 63G-6a-1602; or
 - (ii) any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and
 - (b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt, or terminate the design or construction.

Amended by Chapter 319, 2018 General Session

17B-2a-819 Compliance with state and local laws and regulations.

- (1) Each public transit district is subject to department regulations relating to safety appliances and procedures.
- (2)
 - (a) Each installation by a public transit district in a state highway or freeway is subject to the approval of the department.
 - (b) There is a presumption that the use of a street, road, highway, or other public place by a public transit district for any of the purposes permitted in this part constitutes no greater burden on an adjoining property than the use existing on July 9, 1969.
 - (c) If a street, road, or highway, excluding a state highway or freeway, or a pipeline, sewer, water main, storm drain, pole, or communication wire is required to be relocated, replaced, or altered in order for a public transit district to construct or operate its system or to preserve and maintain an already constructed district facility:
 - (i) the public or private owner of the facility required to be relocated, replaced, or altered shall relocate, replace, or alter the facility with reasonable promptness; and
 - (ii) the public transit district shall, by prior agreement, reimburse the owner for the reasonable cost incurred in the relocation, replacement, or alteration.
 - (d)
 - (i) A public transit district may enter into an agreement with a county or municipality to:
 - (A) close a street or road over which the county or municipality has jurisdiction at or near the point of its interception with a district facility; or
 - (B) carry the street or road over or under or to a connection with a district facility.

- (ii) A public transit district may do all work on a street or road under Subsection (2)(d)(i) as is necessary.
- (iii) A street or road may not be closed, directly or indirectly, by the construction of a district facility unless the closure is:
 - (A) pursuant to agreement under Subsection (2)(d)(i); or
 - (B) temporarily necessary during the construction of a district facility.
- (3) Each public transit district is subject to the laws and regulations of the state and each applicable municipality relating to traffic and operation of vehicles upon streets and highways.

Enacted by Chapter 329, 2007 General Session

17B-2a-820 Authority for other governmental entities to acquire property by eminent domain for a public transit district.

The state, a county, or a municipality may, by eminent domain under Title 78B, Chapter 6, Part 5, Eminent Domain, acquire within its boundaries a private property interest, including fee simple, easement, air right, right-of-way, or other interest, necessary for the establishment or operation of a public transit district.

Amended by Chapter 3, 2008 General Session

17B-2a-821 Multicounty district may establish and enforce parking ordinance.

The board of trustees of a multicounty district may adopt an ordinance governing parking of vehicles at a transit facility, including the imposition of a fine or civil penalty for a violation of the ordinance.

Amended by Chapter 273, 2016 General Session

17B-2a-822 Multicounty district may employ or contract for law enforcement officers -- Law enforcement officer status, powers, and jurisdiction.

- (1) The board of trustees of a multicounty district may employ law enforcement officers or contract with other law enforcement agencies to provide law enforcement services for the district.
- (2) A law enforcement officer employed or provided by contract under Subsection (1) is a law enforcement officer under Section 53-13-103 and shall be subject to the provisions of that section.
- (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law enforcement officer employed under this section is limited to transit facilities and transit vehicles.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-2a-823 Public transit district special services.

- (1) As used in this section, "bureau" means a recreational, tourist, or convention bureau under Title 17, Chapter 31, Recreational, Tourist, and Convention Bureaus.
- (2)
 - (a) A public transit district may lease its buses to private certified public carriers or operate transit services requested by a public entity if a bureau certifies that privately owned carriers furnishing like services or operating like equipment within the area served by the bureau:
 - (i) have declined to provide the service; or
 - (ii) do not have the equipment necessary to provide the service.

- (b) A public transit district may lease its buses or operate services as authorized under Subsection (2)(a) outside of the area served by the district.
- (3) If part or all of the transportation services are paid for by public funds, a public transit district may:
 - (a) provide school bus services for transportation of pupils and supervisory personnel between homes and school and other related school activities within the area served by the district; or
 - (b) provide the transportation of passengers covered by a program within the district for people who are elderly or who have a disability.
- (4) Notwithstanding the provisions in Subsection (3), a municipality or county is not prohibited from providing the transportation services identified in Subsection (3).

Amended by Chapter 136, 2019 General Session

17B-2a-824 Property acquired on behalf of a public transit district.

- (1) Title to property acquired on behalf of a public transit district under this part immediately and by operation of law vests in the public transit district.
- (2) Property described in Subsection (1) is dedicated and set apart for the purposes set forth in this part.

Enacted by Chapter 329, 2007 General Session

17B-2a-825 Criminal background checks authorized -- Employment eligibility.

- (1) A public transit district may require an individual described in Subsection (2) to:
 - (a) submit a fingerprint card in a form acceptable to the public transit district; and
 - (b) consent to a fingerprint background check by:
 - (i) the Utah Bureau of Criminal Identification; and
 - (ii) the Federal Bureau of Investigation.
- (2) A person shall comply with the requirements of Subsection (1) if the person:
 - (a) is applying for or continuing employment with the public transit district:
 - (i) working in a safety-sensitive position or other position that may affect:
 - (A) the safety or well-being of patrons of the public transit district; or
 - (B) the safety or security of the transit buildings, stations, platforms, railways, bus systems, and transit vehicles;
 - (ii) handling personally identifiable information, financial information, or other sensitive information including personal health information;
 - (iii) working in security-sensitive areas; or
 - (iv) handling security-sensitive information, including information system technologies; or
 - (b) is seeking access to designated security-sensitive areas.
- (3) A public transit district may use the information obtained in accordance with this section only for one or more of the following purposes:
 - (a) to determine whether or not an individual is convicted of:
 - (i) a felony under federal or state law within the last 10 years;
 - (ii) a violation within the last 10 years of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of an alcoholic beverage;
 - (iii) a crime involving moral turpitude; or
 - (iv) two or more convictions within the last 10 years for a violation of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug;

- (b) to determine whether or not an individual has accurately disclosed the person's criminal history on an application or document filed with the public transit district;
 - (c) to approve or deny an application for employment with the public transit district; or
 - (d) to take disciplinary action against an employee of the public transit district, including possible termination of employment.
- (4) A person is not eligible for employment with a public transit district in a capacity described in Subsection (2) if the person has been convicted of any of the offenses described in Subsection (3).

Amended by Chapter 377, 2014 General Session

17B-2a-826 Public transit district office of constituent services and office of coordinated mobility.

- (1)
- (a) The board of trustees of a large public transit district shall create and employ an office of constituent services.
 - (b) The duties of the office of constituent services described in Subsection (1)(a) shall include:
 - (i) establishing a central call number to hear and respond to complaints, requests, comments, concerns, and other communications from customers and citizens within the district;
 - (ii) keeping a log of the complaints, comments, concerns, and other communications from customers and citizens within the district; and
 - (iii) reporting complaints, comments, concerns, and other communications to management and to the local advisory council created in Section 17B-2a-808.2.
- (2)
- (a) A large public transit district shall create and employ an office of coordinated mobility.
 - (b) The duties of the office of coordinated mobility shall include:
 - (i) establishing a central call number to facilitate human services transportation;
 - (ii) coordinating all human services transportation needs within the public transit district;
 - (iii) receiving requests and other communications regarding human services transportation;
 - (iv) receiving requests and other communications regarding vans, buses, and other vehicles available for use from the public transit district to maximize the utility of and investment in those vehicles; and
 - (v) supporting local efforts and applications for additional funding.

Amended by Chapter 479, 2019 General Session

17B-2a-827 Integration of public transit services and facilities.

- (1) If a public transit district provides public transit services in an area that is adjacent to or overlaps with an area in which public transit services are also provided by another public transit provider, including a public-private partnership entity, the public transit district and the public transit provider entity shall ensure that:
- (a) any public transit facilities of one provider connect with the public transit facilities of the other provider;
 - (b) the schedules of all relevant public transit providers are coordinated as one public transit system; and
 - (c)

- (i) if both public transit providers collect a fare directly from public transit passengers, an integrated and uniform fare system is implemented across the coordinated public transit system; and
 - (ii) the revenue generated from the uniform fare system is equitably divided among the public transit providers according to service provided and mileage covered.
- (2) A public transit district and a public transit provider, including a public-private partnership entity, may negotiate the ability of one public transit provider to operate on the transit facilities of the other public transit provider.
- (3)
 - (a) The Department of Transportation shall oversee the negotiation, integration, and coordination described in Subsection (1).
 - (b) For the negotiation, integration, or coordination between a public transit district and a public-private partnership, the oversight described in Subsection (3)(a) applies only to fixed-route bus or rail services.

Enacted by Chapter 479, 2019 General Session