

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 205

SENATE BILL 1337

AN ACT

AMENDING SECTION 12-820.01, ARIZONA REVISED STATUTES; AMENDING TITLE 28, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 27; RELATING TO LIGHT RAIL TRANSIT SYSTEM SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-820.01, Arizona Revised Statutes, is amended to
3 read:

4 12-820.01. Absolute immunity

5 A. A public entity shall not be liable for acts and omissions of its
6 employees constituting EITHER OF THE FOLLOWING:

- 7 1. The exercise of a judicial or legislative function;~~or.~~
- 8 2. The exercise of an administrative function involving the
9 determination of fundamental governmental policy.

10 B. The determination of a fundamental governmental policy involves the
11 exercise of discretion and shall include, but is not limited to:

12 1. A determination of whether to seek or whether to provide the
13 resources necessary for ANY OF THE FOLLOWING:

- 14 (a) The purchase of equipment;~~or.~~
- 15 (b) The construction or maintenance of facilities;~~or.~~
- 16 (c) The hiring of personnel;~~or.~~
- 17 (d) The provision of governmental services.

18 2. A determination of whether and how to spend existing resources,
19 including those allocated for equipment, facilities and personnel.

20 3. The licensing and regulation of any profession or occupation.

21 4. THE ESTABLISHMENT, IMPLEMENTATION AND ENFORCEMENT OF MINIMUM SAFETY
22 STANDARDS FOR LIGHT RAIL TRANSIT SYSTEMS.

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

25 CHAPTER 27

26 LIGHT RAIL TRANSIT SYSTEM SAFETY

27 ARTICLE 1. GENERAL PROVISIONS

28 28-9201. Minimum safety standards; violation

29 A. AS PRESCRIBED BY 49 UNITED STATES CODE SECTION 5330 AND 49 CODE OF
30 FEDERAL REGULATIONS PART 659 (1995), THE DEPARTMENT SHALL ESTABLISH,
31 IMPLEMENT AND ENFORCE MINIMUM SAFETY STANDARDS FOR LIGHT RAIL TRANSIT SYSTEMS
32 IN A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND
33 PERSONS.

34 B. IF THE DEPARTMENT DISCOVERS A VIOLATION OF THE SAFETY STANDARDS
35 PRESCRIBED IN SUBSECTION A, THE DEPARTMENT SHALL REPORT THE VIOLATION IN
36 WRITING TO THE FEDERAL TRANSIT ADMINISTRATION.

37 28-9202. Public records; confidentiality

38 THE DEPARTMENT'S INFORMATION RELATING TO THE SAFETY OVERSIGHT OF LIGHT
39 RAIL TRANSIT SYSTEMS IN A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION
40 FIVE HUNDRED THOUSAND PERSONS IS A PUBLIC RECORD PURSUANT TO TITLE 39,
41 CHAPTER 1, EXCEPT THAT, IF THE DIRECTOR, IN CONSULTATION WITH THE FEDERAL
42 TRANSIT ADMINISTRATION, DETERMINES THE RELEASE OF CERTAIN INFORMATION WOULD
43 THREATEN THE SAFETY AND SECURITY OF THE PUBLIC, THE DIRECTOR MAY KEEP THE
44 INFORMATION CONFIDENTIAL.

1 28-9203. Risk management; payment of costs

2 THE ORGANIZATION THAT OPERATES A LIGHT RAIL TRANSIT SYSTEM SHALL:

3 1. PAY FOR ANY RISK MANAGEMENT COSTS THE DEPARTMENT INCURS RESULTING
4 FROM THE DEPARTMENT'S SAFETY OVERSIGHT OF LIGHT RAIL TRANSIT SYSTEMS PURSUANT
5 TO THIS CHAPTER.

6 2. PAY FOR JUDGMENTS AGAINST THIS STATE RESULTING FROM THE
7 DEPARTMENT'S SAFETY OVERSIGHT OF LIGHT RAIL TRANSIT SYSTEMS PURSUANT TO THIS
8 CHAPTER.

9 3. PAY THE DEPARTMENT'S COSTS RESULTING FROM ADMINISTERING THIS
10 CHAPTER.

APPROVED BY THE GOVERNOR MAY 9, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2002.

Passed the House April 29, 2002,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 21, 2002,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1337

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 7, 2002,

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

Randall Hunt
President of the Senate

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2002,

at 4:30 o'clock P M.

Sandra Kamisey
Secretary to the Governor

Approved this 9 day of

May, 2002,

at 12:46 o'clock P M.

Jane Dee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of May, 2002,

at 3:27 o'clock P M.

Betsy Boyles
Secretary of State