

Amend SB 52 as follows:

(1) Strike SECTION 1 (committee printing page 1 lines 11-31) and substitute the following:

"SECTION 1. Section 91.071, Transportation Code, is amended to read as follows:

Sec. 91.071. ~~[PERMISSIBLE SOURCES OF]~~ FUNDING. (a) Except as provided in Subsection (b), the ~~[The]~~ department may use any available funds to implement this chapter ~~[legally permissible source of funding in acquiring, constructing, maintaining, and operating a rail facility or system]~~, including~~[-~~

~~[(1) appropriations from the state highway fund that are not dedicated for another purpose by Section 7-a or 7-b, Article VIII, Texas Constitution,~~

~~[(2) proceeds from bonds secured by the Texas Mobility Fund,~~

~~[(3) donations, whether in kind or in cash, and~~

~~[(4) loans from]~~ the state infrastructure bank.

(b) Each fiscal year, the total amount disbursed by the department from the state highway fund to implement this chapter ~~[out of federal and state funds]~~ shall not exceed \$12.5 million. This subsection does not apply to:

(1) ~~[disbursements for the acquisition or construction of rail lines on the Trans-Texas Corridor,~~

~~[(2)]~~ the acquisition of abandoned rail facilities described in Section 91.007;

(2) [(3)] funding derived from the issuance of bonds, private investment, and donations; ~~[, and]~~

(3) federal funds from ~~[grants or loans from]~~ the Federal Railroad Administration, ~~[or]~~ from the Federal Transit Administration, or authorized and appropriated by the United States Congress for a specific project; ~~[and]~~

(4) grants awarded by the governor from the Texas Enterprise Fund; and

[(5)] ~~[(4)]~~ grading and bed preparation.".

(2) On page 1, between lines 31 and 32 (committee printing), insert the following:

"SECTION 2. The Texas Transportation Commission shall, by

September 30, 2003, propose rules governing the disbursement of funds for the acquisition of abandoned rail facilities described in Section 91.007, Transportation Code. The rules shall prescribe criteria for the Texas Department of Transportation's acquisition of abandoned rail facilities. In establishing criteria, the Texas Transportation Commission shall consider the local and regional economic benefit realized from the disbursement of funds in comparison to the amount of the disbursement."

(3) On page 1, line 32 (committee printing), strike "SECTION 2" and substitute "SECTION 3".