

By: Ogden

S.B. No. 52

A BILL TO BE ENTITLED

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AN ACT

relating to the expenditure of funds on rail facilities by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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,~~

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

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

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

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

11 (5) grading and bed preparation.

12 SECTION 2. The Texas Transportation Commission shall, by
13 September 30, 2003, propose rules governing the disbursement of
14 funds for the acquisition of abandoned rail facilities described in
15 Section 91.007, Transportation Code. The rules shall prescribe
16 criteria for the Texas Department of Transportation's acquisition
17 of abandoned rail facilities. In establishing criteria, the Texas
18 Transportation Commission shall consider the local and regional
19 economic benefit realized from the disbursement of funds in
20 comparison to the amount of the disbursement.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect November 1, 2003.