

1-1 By: Menendez, Straus (Senate Sponsor - Wentworth) H.B. No. 160
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 18, 2007, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 8, Nays 0; May 18, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 160 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to rail relocation and improvement in the state.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. (a) The Texas Department of Transportation
1-13 shall conduct a study to determine the economic feasibility of
1-14 relocating freight trains that carry hazardous materials away from
1-15 residential areas of the state in municipalities with a population
1-16 of more than 1.2 million. The study must include an evaluation of
1-17 cost options for the relocation of freight trains from residential
1-18 areas.

1-19 (b) Not later than March 1, 2008, the Texas Department of
1-20 Transportation shall report the results of the study conducted
1-21 under Subsection (a) of this section to the governor and the
1-22 legislature.

1-23 SECTION 2. Section 386.109, Health and Safety Code, is
1-24 amended to read as follows:

1-25 Sec. 386.109. ELIGIBLE INFRASTRUCTURE PROJECTS. The
1-26 commission may consider for funding under Section 386.108:

1-27 (1) the purchase and installation at a site of
1-28 equipment that is designed primarily to dispense qualifying fuel,
1-29 other than standard gasoline or diesel, or the purchase of on-site
1-30 mobile fueling equipment;

1-31 (2) infrastructure projects, including auxiliary
1-32 power units, designed to dispense electricity to motor vehicles and
1-33 on-road and non-road diesels; ~~and~~

1-34 (3) a project that involves a technology that allows a
1-35 vehicle to replace with electric power, while the vehicle is
1-36 parked, the power normally supplied by the vehicle's internal
1-37 combustion engine; and

1-38 (4) a project to reduce air pollution and engine
1-39 idling by relieving congestion through rail relocation or
1-40 improvement at a rail intersection that:

1-41 (A) is located in a nonattainment area at an
1-42 intersection of two interstate highways;

1-43 (B) is an intersection of two mainline tracks;
1-44 and

1-45 (C) handles more than 100 daily train movements,
1-46 including passenger, freight, and military cars and hazardous waste
1-47 shipments.

1-48 SECTION 3. Section 386.252(a), Health and Safety Code, as
1-49 amended by Section 3, Chapter 766, Section 3, Chapter 1095, and
1-50 Section 11, Chapter 1125, Acts of the 79th Legislature, Regular
1-51 Session, 2005, is reenacted and amended to read as follows:

1-52 (a) The first \$25 million in the fund on September 1 of each
1-53 year shall be transferred to the Texas rail relocation and
1-54 improvement fund. Money remaining in the fund may be used only to
1-55 implement and administer programs established under the plan and
1-56 shall be allocated as follows:

1-57 (1) for the diesel emissions reduction incentive
1-58 program, 87.5 percent of the money in the fund, of which not more
1-59 than four percent may be used for the clean school bus program and
1-60 not more than 10 percent may be used for on-road diesel purchase or
1-61 lease incentives;

1-62 (2) for the new technology research and development
1-63 program, 9.5 percent of the money in the fund, of which up to

2-1 \$250,000 is allocated for administration, up to \$200,000 is
 2-2 allocated for a health effects study, \$500,000 is to be deposited in
 2-3 the state treasury to the credit of the clean air account created
 2-4 under Section 382.0622 to supplement funding for air quality
 2-5 planning activities in affected counties, not less than 20 percent
 2-6 is to be allocated each year to support research related to air
 2-7 quality for the Houston-Galveston-Brazoria and Dallas-Fort Worth
 2-8 nonattainment areas by a nonprofit organization based in Houston of
 2-9 which \$216,000 each year shall be contracted to the Energy Systems
 2-10 Laboratory at the Texas Engineering Experiment Station for the
 2-11 development and annual calculation of creditable statewide
 2-12 emissions reductions obtained through wind and other renewable
 2-13 energy resources for the State Implementation Plan, and the balance
 2-14 is to be allocated each year to that nonprofit organization based in
 2-15 Houston to be used to implement and administer the new technology
 2-16 research and development program under a contract with the
 2-17 commission for the purpose of identifying, testing, and evaluating
 2-18 new emissions-reducing technologies with potential for
 2-19 commercialization in this state and to facilitate their
 2-20 certification or verification; and

2-21 (3) for administrative costs incurred by the
 2-22 commission and the laboratory, three percent of the money in the
 2-23 fund.

2-24 SECTION 4. Effective September 1, 2008, Section 386.252(a),
 2-25 Health and Safety Code, as amended by Section 3, Chapter 766,
 2-26 Section 3, Chapter 1095, and Section 12, Chapter 1125, Acts of the
 2-27 79th Legislature, Regular Session, 2005, is reenacted and amended
 2-28 to read as follows:

2-29 (a) The first \$25 million in the fund on September 1 of each
 2-30 year shall be transferred to the Texas rail relocation and
 2-31 improvement fund. Money remaining in the fund may be used only to
 2-32 implement and administer programs established under the plan and
 2-33 shall be allocated as follows:

2-34 (1) for the diesel emissions reduction incentive
 2-35 program, 64 percent of the money in the fund, of which not more than
 2-36 four percent may be used for the clean school bus program and not
 2-37 more than 10 percent may be used for on-road diesel purchase or
 2-38 lease incentives;

2-39 (2) for the new technology research and development
 2-40 program, 33 percent of the money in the fund, of which up to
 2-41 \$250,000 is allocated for administration, up to \$200,000 is
 2-42 allocated for a health effects study, \$500,000 is to be deposited in
 2-43 the state treasury to the credit of the clean air account created
 2-44 under Section 382.0622 to supplement funding for air quality
 2-45 planning activities in affected counties, not less than 10 percent
 2-46 is to be allocated each year to support research related to air
 2-47 quality for the Houston-Galveston-Brazoria and Dallas-Fort Worth
 2-48 nonattainment areas by a nonprofit organization based in Houston of
 2-49 which \$216,000 each year shall be contracted to the Energy Systems
 2-50 Laboratory at the Texas Engineering Experiment Station for the
 2-51 development and annual calculation of creditable statewide
 2-52 emissions reductions obtained through wind and other renewable
 2-53 energy resources for the State Implementation Plan, not less than
 2-54 25.5 percent is to be allocated each year to that nonprofit
 2-55 organization based in Houston to be used to implement and
 2-56 administer the new technology research and development program
 2-57 under a contract with the commission for the purpose of
 2-58 identifying, testing, and evaluating new emissions-reducing
 2-59 technologies with potential for commercialization in this state and
 2-60 to facilitate their certification or verification, not more than
 2-61 \$12,500,000 is to be allocated each year from any excess funds to be
 2-62 administered by the commission to fund a study of regional ozone
 2-63 formation in this state, meteorological and chemical modeling, and
 2-64 issues related to ozone formation by ozone precursors and fine
 2-65 particulate matter formation in this state, and the balance is to be
 2-66 allocated each year to the commission to fund promising new
 2-67 technologies as identified through the new technology research and
 2-68 development program and recommended by that nonprofit organization
 2-69 based in Houston in order to permit obtaining the maximum credits

3-1 for emissions reductions under the state's air quality state
3-2 implementation plans; and
3-3 (3) for administrative costs incurred by the
3-4 commission and the laboratory, three percent of the money in the
3-5 fund.
3-6 SECTION 5. This Act takes effect immediately if it receives
3-7 a vote of two-thirds of all the members elected to each house, as
3-8 provided by Section 39, Article III, Texas Constitution. If this
3-9 Act does not receive the vote necessary for immediate effect, this
3-10 Act takes effect September 1, 2007.

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