

By: McClendon, et al. (Senate Sponsor - Wentworth) H.B. No. 3747
(In the Senate - Received from the House May 7, 2007;
May 8, 2007, read first time and referred to Committee on
Transportation and Homeland Security; May 18, 2007, reported
adversely, with favorable Committee Substitute by the following
vote: Yeas 8, Nays 0; May 18, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 3747 By: Wentworth

A BILL TO BE ENTITLED
AN ACT

relating to the use of money from certain funds for rail projects.

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

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

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

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

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

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

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

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

(B) is an intersection of two mainline tracks;
and

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

SECTION 2. Section 386.252(a), Health and Safety Code, as amended by Section 3, Chapter 766, Section 3, Chapter 1095, and Section 11, Chapter 1125, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

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

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

(2) for the new technology research and development program, 9.5 percent of the money in the fund, of which up to \$250,000 is allocated for administration, up to \$200,000 is allocated for a health effects study, \$500,000 is to be deposited in the state treasury to the credit of the clean air account created under Section 382.0622 to supplement funding for air quality planning activities in affected counties, not less than 20 percent is to be allocated each year to support research related to air quality for the Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment areas by a nonprofit organization based in Houston of which \$216,000 each year shall be contracted to the Energy Systems Laboratory at the Texas Engineering Experiment Station for the development and annual calculation of creditable statewide

emissions reductions obtained through wind and other renewable energy resources for the State Implementation Plan, and the balance is to be allocated each year to that nonprofit organization based in Houston to be used to implement and administer the new technology research and development program under a contract with the commission for the purpose of identifying, testing, and evaluating new emissions-reducing technologies with potential for commercialization in this state and to facilitate their certification or verification; and

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

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

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

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

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

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

SECTION 4. Section 91.071(b), Transportation Code, is amended to read as follows:

(b) The department may not spend money from the general revenue fund to implement this chapter except:

(1) pursuant to a line-item appropriation;

(2) money awarded from the Texas Enterprise Fund under

3-1 Section 481.078, Government Code; or
3-2 (3) money appropriated to the Texas rail relocation
3-3 and improvement fund.

3-4 SECTION 5. This Act takes effect immediately if it receives
3-5 a vote of two-thirds of all the members elected to each house, as
3-6 provided by Section 39, Article III, Texas Constitution. If this
3-7 Act does not receive the vote necessary for immediate effect, this
3-8 Act takes effect September 1, 2007.

3-9 * * * * *