

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 855  
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Transportation & Homeland Security  
3/29/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The major urban areas in Texas face tremendous challenges with regard to funding of transportation and mobility infrastructure projects. Billions of dollars are needed to fund new, already identified highway and roadway projects, safety improvement projects, and bridges and mass transit systems such as passenger rail systems. New funding tools are needed to address these challenges, including tools for local government entities, which have transportation infrastructure obligations and responsibilities.

One such tool would be the ability to raise funds through fee assessments or fee increases authorized by voter approval. However, under current law, counties, which would conduct the elections involving such measures, do not have the mechanism to call for a countywide election on the issue of fee increases.

C.S.S.B. 855 provides for local options regarding mobility improvement projects in certain counties and municipalities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 (Section 446.055, Local Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (Section 446.158, Local Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle B, Title 14, Local Government Code, by adding Chapter 446, as follows:

#### CHAPTER 446. LOCAL OPTIONS FOR TRANSPORTATION PROJECTS

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 446.001. SHORT TITLE. Authorizes that this chapter be cited as the Texas Local Option Transportation Act.

Sec. 446.002. DEFINITIONS. Defines "dealer," "diesel fuel," "gasoline," "motor fuel," "motor vehicle," "public highway," "sale," "department," "intermodal hub," "transit system," "metropolitan planning organization," "mobility improvement project," "transit authority," and "transportation authority."

Sec. 446.003. REDUCTION PROHIBITED. (a) Prohibits a county, municipality, or metropolitan planning organization from being penalized with a reduction in state or federal transportation funding, including funding from the state highway fund, the Texas mobility fund, the Texas highway beautification fund, general obligation bonds, or any other method of state or federal transportation financing, because of the imposition of a method of local option funding under this chapter.

(b) Prohibits the Texas Department of Transportation (TxDOT) from reducing any allocation of state or federal transportation funding to a TxDOT district

because the district contains a county that imposes a method of local option funding under this chapter.

(c) Prohibits a county, municipality, or other entity funding transportation in a county from reducing traditional transportation funding because the county imposes a method of local option funding under this chapter.

Sec. 446.004. **APPLICABILITY OF PROVISIONS.** Provides that the provisions of this subchapter and Subchapter B only apply to a county to which another subchapter of this chapter applies.

Sec. 446.005. **RESTRICTIONS ON LOBBYING.** Prohibits a county that imposes a method of local option funding under this chapter from using the funds to pay a person or entity that is required to register with the Texas Ethics Commission under Chapter 305 (Registration of Lobbyists), Government Code.

Sec. 446.006. **LIBERAL CONSTRUCTION.** Requires that this chapter be liberally construed to effect its purposes.

Sec. 446.007. **EXPIRATION OF CHAPTER.** (a) Provides that this chapter expires January 1, 2019, and the expiration of this chapter precludes the holding of elections and the imposition of any method of local option funding not authorized under this chapter before its expiration.

(b) Provides that the expiration of this chapter does not affect:

(1) the enforcement of bonds, obligations, covenants, or other legal instrument issued or executed under this chapter before its expiration;

(2) the continued imposition and collection of any fees or methods of local option funding authorized at an election held under this chapter before its expiration;

(3) the performance of any mobility improvement project, including maintenance and operation of a project; or

(4) the administration of a local option transportation fund established under Section 446.110 or a similar fund created by a county for money raised by a method of local option funding under this chapter.

[Reserves Sections 446.008-446.050 for expansion.]

#### SUBCHAPTER B. LOCAL OPTION FUNDING

Sec. 446.051. **METHODS OF LOCAL OPTION FUNDING.** (a) Authorizes a county to include on a ballot proposition under this chapter any combination of the following methods of local option funding:

(1) a tax on the retail sale of gasoline or diesel fuel in the county as described by Section 446.055;

(2) a mobility improvement fee, in an amount not less than \$1 or more than \$60, imposed on a person registering a motor vehicle in the county at the time of registration, except that the fee is not imposed on a person registering a motor vehicle in the manner provided by Section 501.0234 (Duty of Vehicle Dealer on Sale of Certain Vehicles), Transportation Code;

(3) a parking management fee, in an amount not to exceed \$2 per day per vehicle use of a parking space, for paid parking facilities owned by the county or a municipality in the county that are available to the general

public, excluding metered parking and parking at an international airport located partially in two separate counties each with a population above one million;

(4) an annual motor vehicle emissions fee on vehicles registered in the county as described by Section 446.056;

(5) a fee for the renewal of a driver's license issued to a county resident as described by Section 446.057; and

(6) a Texas new resident roadway impact fee, in an amount not less than \$1 or more than \$250, imposed on each person registering a motor vehicle previously registered in another state or country, to be collected at the time of registration.

(b) Provides that the mobility improvement fee authorized by Subsection (a)(2) and the Texas new resident roadway impact fee authorized by Subsection (a)(6) are not automobile registration fees and are prohibited from being construed as automobile registration fees for any legal or constitutional purpose.

(c) Provides that Chapter 395 (Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments) does not apply to the Texas new resident roadway impact fee authorized by Subsection (a)(6).

(d) Requires a county, except as otherwise provided by this subchapter, to adopt rules and prescribe forms for the collection of a tax or fee authorized by this section. Requires a person required to collect a tax or fee authorized by this section to report and send the tax or fee to the county as provided by the county.

(e) Authorizes a county imposing a tax or fee under this section to prescribe monetary penalties, including interest charges, for failure to keep records required by rules adopted under this section, failure to report when required, or failure to pay the tax when due.

(f) Authorizes a county attorney, criminal district attorney, or district attorney to bring suit against a person to enforce the provisions of this section.

Sec. 446.052. COUNTY AUTHORITY TO IMPOSE METHOD OF FUNDING. (a) Authorizes a county to impose and collect a method of local option funding approved by a majority of the voters of the county voting at an election held under this chapter and to enter into a contract or interlocal agreement as provided by Section 446.058 to implement the imposition or collection.

(b) Provides that a method of local option funding implemented under this chapter is prohibited from being used to raise funds in excess of the amount required to fund approved mobility improvement projects; and is required to expire when the approved mobility improvement projects are accepted by the governmental entity that contracted for the projects or when the bonds are paid off, whichever is later, unless continued funding for maintenance and operation of a project, including the impact to an existing system as specified by an interlocal agreement, was authorized at an election held under this chapter.

Sec. 446.053. LOW-INCOME RELIEF. (a) Requires the county commissioners court, by an order issued before January 10, 2010, for each method of local option funding implemented by a county under this chapter, except a motor fuel tax or parking management fee, to establish an exemption, waiver, or partial reduction for individuals of low or moderate income who demonstrate significant financial hardship, based on income guidelines adopted by the Texas Commission on Environmental Quality under Section 382.210 (Implementation Guidelines and Requirements), Health and Safety Code.

Requires the commissioners court, before issuing an order under this section, to hold a public hearing regarding the proposed exemption, waiver, or partial reduction.

(b) Requires the commissioners court to qualify for the exemption, waiver, or partial reduction established under this section any person who is eligible to participate in the income vehicle repair assistance, retrofit, and accelerated vehicle retirement program authorized under Chapter 382 (Clean Air Act), Health and Safety Code.

Sec. 446.054. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING. (a) Requires the commissioners court of the county by order, if a majority of the votes cast in an election held in a county under this chapter approve any method or combination of methods of local option funding, except in regard to a motor fuel tax, to impose and begin the collection of the approved method or methods of funding before the 91st day after the election date.

(b) Requires that at a minimum, the order imposing the method or methods of local option funding specify the rate or amount of the method or methods approved at the election and the manner in which each method will be administered, collected, and enforced.

(c) Provides that Sections 502.102 (Disposition of Fees Generally), 502.1025 (Calculation of Additional Fee Amounts Retained by a County), and 502.108 (Use of Registration Fees Retained by County), Transportation Code, do not apply to money collected under this chapter.

Sec. 446.055. IMPOSITION OF COUNTY MOTOR FUEL TAX. (a) Authorizes a county to which this chapter applies, if approved in accordance with other provisions of this chapter, to impose a tax at a rate of 2, 4, 6, 8, or 10 cents per gallon on the retail sale of gasoline or diesel fuel that is sold in the county by a person, including a dealer, engaged in the business of making retail sales of taxable motor fuel and that is used to propel a motor vehicle on the public highways of this state. Provides that the tax is added to the selling price of the gasoline or diesel fuel and is a part of the gasoline or diesel fuel price, is a debt owed to the seller, and is recoverable at law in the same manner as the fuel charge for gasoline or diesel fuel.

(b) Provides that the tax authorized by this section is in addition to the tax imposed by Chapter 162 (Motor Fuel Taxes), Tax Code.

(c) Provides that except as provided by Subsection (d), the tax authorized by this section takes effect on the first day of the first calendar quarter following the expiration of the first complete quarter occurring after the date of election authorizing the order imposing the tax under Section 446.054.

(d) Authorizes the county, if the county determines that the time of effect required by Subsection (c) will occur before the county can reasonably take the action required to begin collecting the tax or to implement an increase, decrease, or abolition of the tax, to delay the time of effect until the first day of the first calendar quarter following the date on which the county by official action declares that it is ready to begin collecting the tax.

(e) Provides that a county motor fuel tax imposed under this section is due and payable to the county on or before the 20th day of the month following the end of each calendar month.

(f) Requires the comptroller of public accounts (comptroller) to adopt rules and prescribe forms for the collection of the county motor fuel tax imposed under this section. Requires a person required to collect the tax imposed under this section, including a dealer, to report and send the taxes to the county as provided by the county using forms prescribed by the comptroller. Prohibits a county from

requiring any additional information beyond that required by the forms prescribed by the comptroller.

(g) Authorizes a county imposing a tax under this section to require a dealer or other person required to collect the tax to obtain a permit from the county; prescribe monetary penalties, including interest charges, for failure to keep records required by rules adopted under this section, failure to report when required, or failure to pay the tax when due; and permit a dealer or other person who is required to collect the tax and who remains in compliance with all tax payment and report filing requirements to retain a percentage of the tax as reimbursement to the person for the costs of collecting the tax.

(h) Authorizes a county attorney, criminal district attorney, or district attorney to bring suit against a person who violates this section.

(i) Provides that a tax imposed under this section does not apply to motor fuel exempted under Section 162.104 (Exemptions) or 162.204 (Exemptions), Tax Code. Authorizes a person who has paid a tax imposed under this section on gasoline or diesel fuel used by the person for a purpose other than to propel a motor vehicle on the public highways of this state or used for an exempt purpose to file a claim for a refund. Requires the county to prescribe the procedures a person is required to use to obtain a refund under this section.

(j) Provides that to the extent of any conflict between this section and Chapter 162 (Motor Fuel Taxes), Tax Code, Chapter 162 controls.

Sec. 446.056. IMPOSITION OF ANNUAL MOTOR VEHICLE EMISSIONS FEE. (a) Authorizes a county to which this chapter applies, if approved in accordance with other provisions of this chapter, to impose on the owner of a vehicle registered in the county an annual motor vehicle emissions fee in an amount not less than \$1 or more than \$15, assessed at the time of a required emissions test administered under the program described by 30 T.A.C. Section 114.50 (Vehicle Emissions Inspection Requirements).

(b) Requires that each emissions inspection station required to conduct an emissions test in accordance with 30 T.A.C. Section 114.50(a)(1)(A) (relating to testing of newer vehicles registered in certain counties) or (B) (relating to testing of older vehicles registered in certain counties) collect the fee from the owner of any vehicle registered in a county imposing a fee described by Subsection (a) and remit the fee to that county.

Sec. 446.057. IMPOSITION OF COUNTY DRIVER'S LICENSE FEE. (a) Defines "driver's license" and "license."

(b) Authorizes a county to which this chapter applies, if approved in accordance with other provisions of this chapter, to impose a fee on the renewal by a county resident of a license under Chapter 521 (Driver's Licenses and Certificates), Transportation Code, in an amount not less than \$1 or more than the license renewal fee under Section 521.421 (License Fees; Examination Fees), Transportation Code. Provides that a fee imposed under this section is in addition to the fee imposed under Section 521.421, Transportation Code.

(c) Requires that a fee imposed by a county under this section be collected by the Department of Public Safety (DPS) and deposited in trust in the separate suspense account of the county from which the fees were collected for allocation to the county as provided by this section.

(d) Requires the comptroller, each month, to send to the county treasurer or to the person who performs the office of the county treasurer the county's share of the fees payable to a municipality within the county collected by DPS under this section.

(e) Authorizes the comptroller to retain in the suspense account of a county a portion of the municipality's share of the fees collected for the municipality under this section, not to exceed two percent of the amount remitted to the county. Prohibits the amount that is authorized to be retained, if the county has abolished the fee, from exceeding two percent of the final remittance to the county at the time of the termination of the collection of the fee.

(f) Authorizes the comptroller, from the amounts retained in a county's suspense account, to redeem dishonored checks and drafts deposited to the credit of the account.

(g) Requires the comptroller, before the expiration of one year after the effective date of the abolition of a county driver's license fee imposed under this section, to send to the county the remainder of the money in the county's suspense account and close the account.

(h) Requires that interest earned on all deposits made under this section, including interest earned from retained suspense accounts, be credited to the county's trust account and allocated to the county as described by this section.

Sec. 446.058. INTERLOCAL CONTRACTING AUTHORITY. (a) Authorizes a political subdivision to contract or agree with another political subdivision to perform governmental functions and services in accordance with this chapter.

(b) Authorizes a party to an interlocal contract to contract with an agency, as that term is defined by Section 771.002 (Definitions), Government Code.

(c) Defines "interlocal contract."

Sec. 446.059. ANNUAL REPORT AND AUDIT. (a) Requires the county commissioners court, on or before the 90th day following the end of the fiscal year of a county that imposes a method of local option funding under this chapter, to submit a report to the executive director of TxDOT and to the state auditor. Requires that the report include the amount and source of local option revenue collected in the county; the amount and purpose of expenditures related to mobility improvement projects; and a description of the progress made toward completion of mobility improvement projects.

(b) Requires the county to publish the report required under Subsection (a) on the county's Internet website at the time the report is submitted to TxDOT.

(c) Provides that based on a risk assessment process in accordance with Chapter 321 (State Auditor), Government Code, the financial transactions of a county regarding methods of local option funding implemented under this chapter and related mobility improvement projects are subject to audit by the state auditor. Requires a county audited under this subsection to reimburse the state auditor for the expense of the audit.

[Reserves Sections 446.060-446.100 for expansion.]

#### SUBCHAPTER C. NORTH TEXAS REGION

Sec. 446.101. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a county that is located in a region served by a metropolitan planning organization that serves two adjacent counties that each have a population of one million or more.

Sec. 446.102. PROJECT SELECTION AND BALLOT COMMITTEES. (a) Requires the county commissioners of each county to which this subchapter applies, not later than October 1, 2009, to jointly establish with the municipalities in the county a project selection and ballot committee to prepare a ballot proposition and related plans and information as required under this chapter. Requires that a county's project selection and

ballot committee be established before any local option election under this subchapter may be held in the county. Requires a county commissioners court by an order issued not later than October 1, 2009, to decline to establish a project selection and ballot committee if it does not wish to initiate the election process in the county.

(b) Authorizes the governing bodies of two or more cities that contain at least 60 percent of the county's total population by a joint resolution passed not later than November 1, 2009, to establish a joint project selection and ballot committee if a county commissioners court declines to establish a project selection and ballot committee for the county.

Sec. 446.103. COMMITTEE MEMBERSHIP. (a) Provides that except as provided by Subsection (a-1), in a county with a population greater than 400,000, the project selection and ballot committee is composed of 11 members as follows:

(1) two members who are elected county officials, appointed by the county commissioners court;

(2) one member who is a member of the governing body of a municipality not otherwise entitled to a seat under Subdivision (4) or (5) with a population of 25,000 or less located in the county, appointed by the county commissioners court;

(3) one member who is a member of the governing body of a municipality not otherwise entitled to a seat under Subdivision (4) or (5) with a population greater than 25,000 but less than 95,000 located in the county, appointed by the county commissioners court;

(4) two members who are elected officials of the most populous municipality located in the county, appointed by the governing body of the municipality;

(5) four members who are elected officials of the next four most populous municipalities located in the county, one each appointed by the governing body of each municipality; and

(6) one member who is a member of the governing board of the transit or transportation authority with the largest service area in the county, appointed by the governing body of the authority.

(a-1) Provides that in a county with a population greater than 400,000, if the most populous municipality located in the county contains 45 percent or more of the county population, the county's project selection and ballot committee is composed of 11 members as follows:

(1) two members who are elected county officials, appointed by the county commissioners court;

(2) one member who is a member of the governing body of a municipality not otherwise entitled to a seat under Subdivision (4) or (5) with a population of 25,000 or less located in the county, appointed by the county commissioners court;

(3) one member who is a member of the governing body of a municipality not otherwise entitled to a seat under Subdivision (4) or (5) with a population greater than 25,000 but less than 95,000 located in the county, appointed by the county commissioners court;

(4) three members who are elected officials of the most populous municipality located in the county, appointed by the governing body of the municipality;

(5) three members who are elected officials of the next three most populous municipalities located in the county, one each appointed by the governing body of each municipality; and

(6) one member who is a member of the governing board of the transit or transportation authority with the largest service area in the county, appointed by the governing body of the authority.

(b) Provides that in a county with a population of 400,000 or less, the project selection and ballot committee is composed of nine members as follows:

(1) two members who are elected county officials, appointed by the county commissioners court;

(2) two members who are elected officials of the most populous municipality located in the county, appointed by the governing body of the municipality;

(3) four members who are elected officials of the next four most populous municipalities located in the county, one each appointed by the governing body of each municipality; and

(4) one member who is a member of the governing board of a transit or transportation authority operating in the county, appointed by the governing body of the authority; or if no transit or transportation authority operates in the county, who is an elected official of the sixth most populous municipality in the county, appointed by the governing body of the municipality.

(c) Requires that, if a county commissioners court fails to make a committee appointment as provided under Subsection (a)(1), (a-1)(1), or (b)(1) by the required date, the open seat remain unfilled. Requires that, if a county commissioners court fails to make a committee appointment as provided under Subsection (a)(2) or (3) or Subsection (a-1)(2) or (3) by the required date, the open seat be filled by appointment made by the governing body of the largest municipality in the county. Requires that, in the case of an open seat provided for by Subsection (a)(2) or (a-1)(2) the seat be filled from among the members of the governing body of a municipality with a population of 25,000 or less located in the county. Requires that in the case of an open seat provided for by Subsection (a)(3) or (a-1)(3) the seat be filled from among the members of the governing body of a municipality with a population greater than 25,000 but less than 95,000 located in the county.

(d) Provides that only the portion of a municipality's population that is located within the county may be used to determine municipal population for the purposes of Subsections (a)(5), (a-1)(5), (b)(3), and (b)(4)(B). Provides that for the purposes of this subsection, municipal population is based on the most recent estimate published by the metropolitan planning organization of the region.

(e) Requires that a vacancy in a committee be filled by appointment by the entity that appointed the vacating member.

(f) Provides that a committee member is not entitled to compensation for serving on the committee but is entitled to reimbursement for actual and necessary expenses incurred in performing the official duties of office.

(g) Requires that appointments to a committee be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.



- (h) Requires that a committee elect a chair from among its members and authorizes the committee to adopt rules for the conduct of its activities.
- (i) Provides that at the discretion of the committee, employees of TxDOT, the county, or a municipality, regional metropolitan planning organization, airport, or transit or transportation authority located in the county may be asked to provide staff support services to a committee.
- (j) Provides that all meetings of a committee are open meetings. Requires that notice of committee meetings be provided in accordance with Sections 551.041 (Notice of Meeting Required), 551.0411 (Meeting Notice Requirements In Certain Circumstances), 551.042 (Inquiry Made at Meeting), 551.043 (Time and Accessibility of Notice; General Rule), and 551.049 (County Governmental Body: Place of Posting Notice), Government Code, as if the committee were a governmental body under that chapter.
- (k) Provides that a project selection and ballot committee established under this subchapter is abolished, and all the duties of the committee expire, on the date the committee submits a final recommended ballot under Section 446.106.

Sec. 446.104. SELECTION OF PROJECTS AND METHODS OF LOCAL OPTION FUNDING. (a) Requires a project selection and ballot committee, by supermajority vote of not less than two-thirds of its membership, to determine and propose each mobility improvement project located in the county or benefiting the county; determine and propose one or more methods of local option funding authorized by this chapter sufficient to fund each mobility improvement project; and determine and propose an appropriate rate for each proposed method of local option funding for the construction of each mobility improvement project and a separate proposed rate for each project's continued maintenance and operation, if applicable.

(b) Authorizes a committee to propose, and authorizes money raised by a method of local option funding under this chapter to finance, the construction of new mobility improvement projects and related maintenance and operations, the expansion, reconstruction, or rehabilitation of existing mobility improvement projects, and improvements in the maintenance and operation of existing mobility improvement projects. Authorizes a committee to only propose construction of a new mobility improvement project that the committee determines is consistent with the transportation plan adopted by the metropolitan planning organization for the region in which the county is located. Requires a committee to consider passenger rail corridors in selecting projects to be included on a ballot.

(c) Authorizes a committee to propose a mobility improvement project located outside the county, including a project serving a regional airport, only if the committee determines that the project benefits the county.

(d) Requires the committee, before a committee may make the determinations required by Subsections (a)-(c), to conduct at least three public hearings regarding the proposed mobility improvement projects and proposed methods of local option funding and use its best efforts to meet with all affected parties, including workforce populations served by passenger rail systems and affected neighborhood groups.

Sec. 446.105. COMMITTEE COMMITMENT TO EQUITY. (a) Requires a committee to use its best efforts to ensure that mobility improvement projects selected for inclusion on a ballot under this subchapter benefit each municipality and unincorporated area in the county in approximate proportion to the amount of revenue generated within each of the municipalities and unincorporated areas.

(b) Requires that revenue from a method of local option funding imposed under this subchapter and collected within the taxing jurisdiction of a transit or transportation authority that is funded through a dedicated sales tax be maintained

in a segregated account and prohibits it from being used outside the taxing jurisdiction of the authority unless the governing body of the authority and the governing bodies of all municipalities in the county that are within the authority's jurisdiction consent to such use.

Sec. 446.106. FINAL RECOMMENDED BALLOT. Requires each project selection and ballot committee, not later than April 1, 2010, to submit to the appropriate county commissioners court a detailed final list of mobility improvement projects and methods of local option funding, including proposed rates for construction and separate proposed rates for maintenance and operation, if applicable, determined by the committee under Section 446.104, and a final recommended ballot that complies with the requirements of Section 446.108.

Sec. 446.107. COUNTY OPTION TO CALL ELECTION; PETITION PROCESS. (a) Authorizes the county commissioners court, on receiving a proposed ballot from a project selection and ballot committee under Section 446.106, after holding at least two public hearings regarding the ballot, by majority vote at a regularly held public meeting of the commissioners court, to order an election to be held on the uniform election date in November 2010 on the issue of authorizing the ballot, or reject the ballot.

(b) Requires a county commissioners court, if, by June 1, 2010, the county commissioners court has not taken action under Subsection (a)(1) or (2) on a proposed ballot submitted to the commissioners court, to order an election to be held on the uniform election date in November 2010 on the issue of authorizing the ballot.

(c) Requires a county commissioners court, if the county commissioners court rejects a proposed ballot under Subsection (a)(2), to nonetheless call an election to be held on the uniform election date in November 2010 on the issue of authorizing the ballot if before August 1, 2010, the commissioners court receives:

(1) a resolution requesting that the election be called on the ballot as submitted by the project selection and ballot committee that has been adopted by the governing bodies of at least two municipalities that are located partially or wholly in the county and contain at least 60 percent of the county's total population; or

(2) a petition requesting that the election be called on the ballot as submitted by the project selection and ballot committee that is signed by a number of registered voters in the county equal to at least 10 percent of the total number of votes cast in the county for all candidates for governor in the most recent gubernatorial general election.

(d) Prohibits a county commissioners court from amending in any way the list of mobility improvement projects or methods of local option funding contained in a proposed ballot submitted to the county commissioners court by a project selection and ballot committee.

(e) Requires a county commissioners court, before calling an election under this section, to publish a financial plan for each mobility improvement project proposed to be included on a ballot.

Sec. 446.108. REQUIRED BALLOT LANGUAGE; ELECTION. (a) Requires that an order under Section 446.107 calling an election specify each proposed method of local option funding authorized by this chapter that the county intends to use to fund each proposed mobility improvement project or portion thereof; for each specified method of funding, list the proposed rate or amount to be used to fund capital construction of mobility improvement projects and, if applicable, a separate and corresponding proposed rate or amount for maintenance and operation of the projects; list and generally describe the nature and scope of the proposed mobility improvement projects to be constructed with each specified method of local option funding; and list the estimated cost, or portion

thereof, and the estimated completion date for the capital construction of each proposed mobility improvement project.

(b) Sets forth the required language of the ballot.

(c) Provides that the estimated cost of construction of a mobility improvement project listed on a ballot is not a legally binding restriction on the actual and ultimate cost of financing the project.

(d) Prohibits a ballot from permitting individual mobility improvement projects or methods of local option funding to be voted on as separate options. Requires that all mobility improvement projects and methods of local option funding included on a ballot be approved or rejected as a group.

(e) Requires that, in addition to other applicable ballot requirements, a ballot proposed in a county primarily served by a transit authority subject to Subchapter O (Subregional Board in Subregion Having Principal Municipality With Population of More Than 800,000), Chapter 452 (Regional Transportation Authorities), Transportation Code, that proposes to use funds collected within the jurisdiction of the authority to finance the construction of a mobility improvement project related to a rail project located outside of the jurisdiction of the authority specify certain information in regard to each such proposed project.

(f) Provides that Section 334.025 (False and Misleading Campaign Material) applies to an election called under this subchapter.

(g) Requires that an election called under Section 446.107 be held on a uniform election date in November.

Sec. 446.109. SUBSEQUENT ELECTIONS. (a) Authorizes the county commissioners court, after initial mobility improvement projects and methods of local option funding are determined and an initial election is called in a county under Sections 446.104-446.108, to jointly establish with the municipalities in the county a subsequent project selection and ballot committee to determine and propose additional projects and funding, and authorizes additional elections to be called, using the procedures described by this subchapter.

(b) Prohibits the commissioners court of a county, notwithstanding Section 446.107, from calling an election under that section before the second anniversary of an election previously called under that section.

Sec. 446.110. LOCAL OPTION TRANSPORTATION FUND. (a) Requires the county commissioners court of each county which implements a method of local option funding under this chapter, by order, to establish a local option transportation fund separate and apart from the county's general fund account.

(b) Requires the county to deposit in the fund the proceeds of any method of local option funding implemented by the county under this chapter and any other money required by law to be deposited in the fund.

(c) Requires the county to establish segregated accounts in the fund for each approved mobility improvement project or portion thereof; for money to fund maintenance and operation of passenger rail projects or transit projects; and for funds collected in the jurisdiction of a transit or transportation authority that is funded through a dedicated sales tax and that operates under Subchapter O, Chapter 452, or Chapter 460 (Coordinated County Transportation Authorities), Transportation Code.

(d) Provides that money in the fund, including any interest earned, is the property of the county depositing the money and is authorized to be spent only on mobility improvement projects located in the county.

Sec. 446.111. USE OF MONEY IN FUND; ISSUANCE OF BONDS. (a) Authorizes a county to use money in its local option transportation fund to:

(1) reimburse or pay, without issuing bonds or other obligations or otherwise creating debt, the costs of planning, acquiring, establishing, developing, constructing, or renovating mobility improvement projects in the county that were approved at an election under this subchapter;

(2) pay the principal of, interest on, or other costs relating to bonds or other obligations the county issues for the purpose of financing mobility improvement projects in the county that were approved at an election under this subchapter;

(3) pay amounts due and owing to a transit or transportation authority under a contract or interlocal agreement between the county and the authority under which the authority agrees to provide, develop, construct, install, and operate passenger rail facilities and services inside and outside the county and to issue bonds and other obligations that are secured by and payable from the amounts due from the county under the contract or interlocal agreement for the purpose of financing the capital costs of the facilities, if a method of local option funding was approved for such purpose at an election under this subchapter;

(4) pay amounts due and owing to a municipality under a contract or interlocal agreement between the county and the municipality under which the municipality agrees to provide, develop, or construct mobility improvement projects located inside the municipality; and

(5) reimburse or pay the actual and customary costs of financial administration of the fund.

(b) Authorizes a contract or interlocal agreement entered into between a county and a transit or transportation authority for the purposes described by Subsection (a)(3) to have such terms and provisions, and to impose and contain requirements, grants, and limitations, as the county and the transit or transportation authority may mutually agree, including the power of the transit or transportation authority to pledge as security for its bonds all amounts, less agreed costs of collection, deposited to the county's local option transportation fund, if such a pledge was approved at an election under this subchapter.

(c) Authorizes bonds or other obligations issued by a county under this section to be made payable from money in the county's local option transportation fund, subject to any limitations contained in a contract or interlocal agreement between the county and a transit or transportation authority, and from any other sources of revenue of the county that are lawfully available. Requires that bonds or other obligations issued by a transit or transportation authority under a contract or interlocal agreement be payable from and secured by the money in the county's local option transportation fund and the revenue received from the operation of the passenger rail services financed by the bonds or other obligations and is prohibited from including any revenue the transit or transportation authority receives from a dedicated sales tax or the operation of any other passenger rail or bus system or related services.

(d) Authorizes bonds or other obligations issued by a county under this section or by a transit or transportation authority under a contract or interlocal agreement to mature serially or otherwise not more than 30 years after the date of issuance.

(e) Requires that any bonds or other obligations issued by a county or by a transit or transportation authority under this section, and the proceedings authorizing the bonds or other obligations, be submitted to the attorney general for review and

approval under Chapter 1202 (Examination and Registration of Public Securities), Government Code.

(f) Requires a county, in expending money in its local option transportation fund, to comply with the provisions of Section 446.105. Prohibits a county from using money in the fund to finance the construction of a mobility improvement project not approved by the voters in an election under this subchapter or using funds approved for a particular mobility improvement project to fund a different project.

Sec. 446.112. USE OF SALES TAX BY TRANSPORTATION AUTHORITY. Prohibits a subregion of a transportation authority governed by a subregional board described by Subchapter O (Subregional Board in Subregion Having Principal Municipality With Population of More Than 800,000), Chapter 452 (Regional Transportation Authorities), Transportation Code, from using any proceeds from a sales and use tax imposed under that chapter, or any other revenue of the authority under that chapter, for a mobility improvement project under this subchapter without the favorable vote of four-fifths of the members of the subregional board.

Sec. 446.113. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES NOT AUTHORIZED. (a) Prohibits a county acting under this subchapter from directly operating or providing passenger rail services or any service expressly reserved by a transit or transportation authority that serves the county.

(b) Prohibits a method of local option funding implemented by a county under this subchapter from being used to establish or fund services of a transit or transportation authority created on or after January 1, 2009.

(c) Provides that this subchapter does not authorize the creation of a transit or transportation authority.

[Reserves Sections 446.114-446.150 for expansion.]

#### SUBCHAPTER D. ALAMO REGION

Sec. 446.151. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a county for which an advanced transportation district has been created under Subchapter O (Advanced Transportation District), Chapter 451 (Metropolitan Rapid Transit Authorities), Transportation Code, and for which no contiguous county has a population of more than 200,000; and in which the principal municipality has a population of more than 1.1 million.

Sec. 446.152. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING BY VOTER APPROVAL. (a) Authorizes a county to which this subchapter applies to impose one or more methods of local option funding authorized by this subchapter if:

(1) the county receives a resolution requesting that an election be called on the issue of imposing one or more methods of local option funding authorized by this subchapter that has been adopted by the governing body of an advanced transportation district, as defined by Subchapter O, Chapter 451, Transportation Code, that is located wholly or partially in the county, or a successor to such district;

(2) the county by order calls an election to be held in the county for the purpose of approving the proposed methods of funding; and

(3) the imposition of the proposed methods of funding is approved by a majority of the voters of the county voting at the election.

(b) Authorizes the governing body of an advanced transportation district described by Subsection (a)(1) to adopt a resolution requesting an election be called under this section only after:

(1) consulting with the entities described by Section 446.155(b) located in the county; the metropolitan planning organization for the region in which the county is located; and the oversight committee of the advanced transportation district; and

(2) holding a public hearing regarding imposition of the proposed methods of local option funding.

(c) Authorizes county to adopt an order calling an election under this section only after holding a public hearing regarding imposition of the proposed methods of local option funding.

Sec. 446.153. CONTENTS OF ORDER; BALLOT PROPOSITION. (a) Requires that an order calling an election on the issue of imposing one or more methods of local option funding authorized by this subchapter include the ballot proposition to be used in the election. Requires that the ballot proposition, at a minimum:

(1) designate each proposed method of funding;

(2) specify for each proposed method of funding the rate of the tax or amount the fee to be imposed, as applicable; the effective date of the imposition of the method of funding; and the manner in which the method of funding will be administered, collected, and enforced; and

(3) permit voters to vote for or against each proposed method of funding separately.

(b) Authorizes the ballot proposition to specify one or more mobility improvement projects to which revenue from a proposed method of local option funding will be dedicated and provide that a method of local option funding approved at the election will expire on completion of the mobility improvement projects to which the funding is dedicated.

Sec. 446.154. ABOLITION OF METHOD OF FUNDING; CHANGE IN RATE OR AMOUNT; CHANGE IN DEDICATION. (a) Authorizes a county commissioners court by order, with regard to methods of local option funding previously approved at an election held under this subchapter, to call an election on the issue of abolishing the methods of local option funding; increasing or decreasing the maximum rate or amount of the methods of local option funding; or changing the dedication of the methods of local option funding.

(b) Requires a county commissioners court to call an election under Subsection (a) if the commissioners court receives a petition requesting that the election be called that is signed by a number of registered voters in the county equal to at least 10 percent of the total number of votes cast in the county for all candidates for governor in the most recent gubernatorial general election.

(c) Authorizes a county, notwithstanding any other provision of this section, to abolish, decrease the rate of, or change the dedication of a method of local option funding only if the abolition, decrease, or change will not violate, impair, or be inconsistent with a bond resolution, trust agreement, or indenture governing the use of the revenue attributable to the method of funding.

Sec. 446.155. USE OF REVENUE; USE BY OTHER TRANSPORTATION ENTITY. (a) Requires a county to deposit money raised by a method of local option funding imposed under this subchapter in a special account in the county general fund. Authorizes that money in the account, subject to any applicable constitutional restriction, be used only for county transportation purposes.

(b) Authorizes a county to use money raised by a method of local option funding imposed under this subchapter to make payments due under a contract entered into between the county and another governmental entity for the construction, maintenance, or operation of mobility improvement projects, including contracts entered into with a regional mobility authority; a regional tollway authority; an advanced transportation district; a metropolitan rapid transit authority; a regional transportation authority; and any successor entity to an authority or district described by this subsection.

(c) Authorizes a county to contract with another governmental entity under Subsection (b) only if the county finds that the primary purpose of the contract is to promote a public purpose of the county.

Sec. 446.156. AUTHORIZED METHODS OF LOCAL OPTION FUNDING. (a) Provides that except as provided by Subsection (b)(2), Sections 446.051, 446.054, 446.055, 446.056, and 446.057 do not apply to a county acting under this subchapter.

(b) Authorizes a county to which this subchapter applies to include on a ballot proposition under this subchapter any combination of the following methods of local option funding:

(1) a county gasoline and diesel fuel tax as described by Section 446.157;

(2) an additional vehicle registration fee as described by Section 446.158 and implemented in the manner described by Section 446.051(a)(2);

(3) a road impact fee, not to exceed \$100, on each new resident of the county;

(4) a non-resident commuter fee on residents who commute into the county; or

(5) an additional motor vehicle inspection fee, not to exceed \$10, on each motor vehicle inspected in the county under Chapter 548 (Compulsory Inspection of Vehicles), Transportation Code.

(c) Provides that Chapter 395 does not apply to the road impact fee authorized by Subsection (b)(3).

Sec. 446.157. COUNTY GASOLINE AND DIESEL FUEL TAX. (a) Defines "jobber" and "net gallon."

(b) Authorizes a county to which this subchapter applies, if approved in accordance with other provisions of this subchapter, to impose a tax on the sale of gasoline or diesel fuel sold in the county to propel a motor vehicle on the public highways of this state.

(c) Authorizes the tax authorized by this section to be imposed at a rate of 2, 4, 6, 8, or 10 cents for each net gallon of gasoline or diesel fuel sold in the county to propel a motor vehicle on the public highways of this state.

(d) Requires a person, including a dealer or jobber, who makes a sale of gasoline or diesel fuel in the county to a person who uses the gasoline or diesel fuel to propel a motor vehicle on the public highways of this state to collect the tax authorized by this section for the benefit of the county. Requires the seller to add the amount of the tax to the selling price of gasoline or diesel fuel, and provides that the tax is a part of the gasoline or diesel fuel price, is a debt owed to the seller, and is recoverable at law in the same manner as the fuel charge for gasoline or diesel fuel.

- (e) Provides that the tax authorized by this section is in addition to the tax imposed by Chapter 162, Tax Code.
- (f) Provides that the exemptions provided by Sections 162.104 and 162.204, Tax Code, apply to the tax authorized by this section.
- (g) Requires a person, including a dealer or jobber, required to collect the tax authorized by this section to report and send the taxes to the county as provided by the county.
- (h) Authorizes the county to prescribe monetary penalties, including interest charges, for failure to keep records required by this section, to report when required, or to pay the tax when due.
- (i) Authorizes the county to permit a person who is required to collect the tax authorized by this section to retain a percentage of the amount collected and required to be reported as reimbursement to the person for the costs of collecting the tax and to provide that the person is authorized to retain the amount only if the person pays the tax and files reports as required by the county.
- (j) Authorizes the county attorney to bring suit against a person who violates this section.
- (k) Authorizes a person who has paid the tax authorized by this section on gasoline or diesel fuel used by the person for a purpose other than to propel a motor vehicle on the public highways of this state or for a use exempted under Subsection (f) to file a claim for a refund.
- (l) Requires the county to prescribe the procedures a person is required to use to obtain a refund under this section.
- (m) Authorizes the county to require a dealer, jobber, or other person required to collect, report, and pay the tax authorized by this section to obtain a permit from the county.

Sec. 446.158. ADDITIONAL VEHICLE REGISTRATION FEE. (a) Authorizes a county to which this subchapter applies, if approved in accordance with other provisions of this subchapter, to impose an additional fee, not to exceed \$10, for registering a vehicle in the county.

- (b) Authorizes a vehicle that may be registered under Chapter 502 (Registration of Vehicles) or 504 (Specialty License Plates), Transportation Code, without payment of a registration fee to be registered in the county without payment of the additional fee.
- (c) Provides that a fee authorized by this section may take effect only on January 1 of a year. Requires the county to notify TxDOT not later than September 1 of the year preceding the year in which the fee takes effect.
- (d) Authorizes that a fee authorized by this section to be abolished under Section 446.154. Authorizes the abolition to take effect only on January 1 of a year. Requires a county to notify TxDOT not later than September 1 of the year preceding the year in which the abolition takes effect.
- (e) Requires the county assessor-collector of a county imposing a fee authorized by this section to collect the fee for a vehicle when other fees imposed under Chapter 502 or 504, Transportation Code, are collected.
- (f) Requires TxDOT to collect the additional fee on a vehicle that is owned by a resident of the county and that, under Chapter 502 or 504, Transportation Code, is required to be registered directly with TxDOT. Requires TxDOT to send all fees



collected for a county under this section to the county for deposit as provided by Section 446.155.

(g) Requires TxDOT to adopt rules and develop forms necessary to administer registration by mail for a vehicle being registered in the county or a vehicle that is owned by a resident of the county.

Sec. 446.159. ELECTION ON AD VALOREM TAX. Authorizes a county to which this subchapter applies to hold an election on the adoption of the additional ad valorem tax not to exceed 15 cents on the \$100 valuation of property provided by Subsection (c) (relating to authorizing the legislature to levy and collect additional ad valorem tax), Section 9 (Maximum State Tax; County, City, and Town Levies; County Funds; Local Road Laws), Article VIII (Taxation and Revenue), Texas Constitution, for transportation projects, if that subsection authorizes the use of the tax for those projects.

[Reserves Sections 446.160-446.200 for expansion.]

#### SUBCHAPTER E. CAPITAL REGION

Sec. 446.201. APPLICABILITY OF SUBCHAPTER. (a) Provides that except as provided by Subsection (b), this subchapter applies only to a county for which a regional mobility authority has been created under Chapter 370 (Regional Mobility Authorities), Transportation Code, and in which the principal municipality has a population of more than 650,000, and elects all members of its governing body at large.

(b) Authorizes the county commissioners court of a county, except for the second most populous county served by the regional mobility authority described by Subsection (a), contiguous to a county described by Subsection (a) and served by the same metropolitan planning organization, by resolution, to order that this subchapter applies to the county.

Sec. 446.202. DEFINITIONS. Defines "mobility improvement project," "transit authority," "transportation authority," and "principal municipality."

Sec. 446.203. CALLING OF ELECTION. (a) Authorizes the commissioners court of a county to which this subchapter applies by order to call an election on the issue of imposing one or more methods of local option funding authorized by this chapter to acquire, construct, develop, own, operate, and maintain mobility improvement projects; fund operations, maintenance, capital, and debt service expenses for mobility improvement projects; or contract with a transportation authority or transportation provider for either purpose described.

(b) Authorizes a county commissioners court and the principal municipality of the county, by orders containing identical provisions, to jointly call an election on the issue described by Subsection (a). Provides that the cost of an election called under this subsection is shared by the county and the principal municipality on a pro rata basis.

(c) Requires a county commissioners court by order to call an election on the issue described by Subsection (a) on receipt of a resolution requesting that the election be called that has been adopted by the governing bodies of one or more municipalities representing more than 60 percent of the total population of the county; or the governing bodies of the principal municipality and the second most populous municipality located in the county.

(d) Requires that a resolution under Subsection (c) be adopted by the governing body of each petitioning municipality by a vote of not less than two-thirds of its membership.

(e) Authorizes a county commissioners court to order an election under this section on an issue described by Subsection (a) only after holding a public hearing regarding the issue.

(f) Authorizes the governing body of the principal municipality of a county described by Section 446.201(a), by order adopted by a majority vote of its membership, to call an election within the boundaries of the municipality on the issue described in Subsection (a), the results of which only apply within the boundaries of the municipality. Authorizes the municipality to adopt the order only after holding a public hearing regarding the issue.

(g) Provides that a principal municipality ordering an election within the boundaries of the municipality under Subsection (f) has the powers and responsibilities granted to a county under Subchapter B within the boundaries of the municipality only.

(h) Requires the metropolitan planning organization for the region in which the county or municipality calling the election is located, before an election may be called under this section, to certify by majority vote that the list of proposed mobility improvement projects included on the proposed ballot are consistent with the organization's current long-range transportation plan.

(i) Authorizes an election called under this section to only be held on a uniform election date in November or May.

(j) Authorizes an election under this subchapter to be called not more than 120 days prior to election day.

(k) Provides that notwithstanding Subsections (a)-(f), if either the county commissioners court or the governing body of the principal municipality described by Subsection (f) calls for an election, the other entity is prohibited from calling for an election under this subchapter until the next uniform election date.

(l) Provides that notwithstanding Subsections (a)-(f) and (k), in the event a county commissioners court and the governing body of the principal municipality described by Subsection (f) call an election under this subchapter not more than 120 days prior to election day and not less than 110 days prior to election day, each election order is deemed invalid and no additional election may be called under this subchapter until the next uniform election date.

Sec. 446.204. CONTENTS OF ORDER; BALLOT PROPOSITION. (a) Requires that an order calling an election under Section 446.203 include the ballot proposition to be used in the election. Sets forth the required content of a ballot proposition.

(b) Requires that the ballot proposition for an election ordered under Section 446.203(c) include the name of each municipality petitioning under that subsection.

Sec. 446.205. PROJECT SELECTION ADVISORY COMMITTEE. (a) Requires the county or municipality, before a county or municipality is authorized to order an election under Section 446.203 or a municipality is authorized to adopt a resolution under Section 446.203(c), to establish a project selection advisory committee to recommend mobility improvement projects and related methods of local option funding authorized by this chapter. Provides that the composition of an advisory committee is determined by the county or municipality that establishes the committee. Authorizes a county and principal municipality acting jointly under Section 446.203(b) to establish and compose a joint committee. Authorizes two or more municipalities adopting a resolution under Section 446.203(c) to establish and compose a joint committee.

(b) Requires each project selection advisory committee to:

(1) consult with the county or municipality that establishes the committee; the metropolitan planning organization for the region in which the county is located; the municipalities located in the county; a regional mobility authority operating under Chapter 370 (Regional Mobility Authorities), Transportation Code, that serves the county; a transit or transportation authority created or operating under Subtitle K (Mass Transportation), Title 6 (Roadways), Transportation Code, that serves the county; and a commuter rail district operating wholly or partially in the county;

(2) give first consideration to mobility improvement projects of regional significance that complement or supplement the regional transportation system; and

(3) consider the geographic location of other state-funded or federally funded transportation projects and mobility improvement projects so as to foster geographic equity in the planning and development of regional projects.

Sec. 446.206. SUBSEQUENT ELECTIONS. (a) Authorizes a project selection advisory committee, after initial mobility improvement projects and methods of local option funding are determined and an initial election is called under Sections 446.203 and 446.204, to determine and propose additional projects and funding, and authorizes additional elections to be called using the procedures described by those sections.

(b) Prohibits the commissioners court of a county or the governing body of a municipality, notwithstanding Section 446.203, from calling an election under this subchapter before the 11th month following an election previously called under this subchapter.

Sec. 446.207. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES NOT AUTHORIZED. (a) Prohibits a county acting under this subchapter from directly operating or providing passenger rail services or any service expressly reserved by a transit authority created or operating under Chapter 451 (Metropolitan Rapid Transit Authorities), Transportation Code, that serves the county.

(b) Provides that this subchapter does not authorize the creation of a transit or transportation authority.

[Reserves Sections 446.208-446.250 for expansion.]

#### SUBCHAPTER F. WEST TEXAS BORDER REGION

Sec. 446.251. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a municipality that has a population of more than 550,000; has created a regional mobility authority under Chapter 370, Transportation Code; and is located in a county that is adjacent to an international border.

Sec. 446.252. DEFINITIONS. Defines "mobility improvement project," "transit authority," and "transportation authority."

Sec. 446.253. CALLING OF ELECTION. (a) Authorizes the governing body of a municipality to which this subchapter applies, by order adopted by a majority vote of its membership, to call an election on the issue of imposing one or more methods of local option funding authorized by this chapter to acquire, construct, develop, own, operate, and maintain mobility improvement projects; fund operations, maintenance, capital, and debt service expenses for mobility improvement projects; or contract with a transportation authority or transportation provider for either purpose.

(b) Authorizes a municipality to order an election under this section on an issue described by Subsection (a) only after holding a public hearing regarding the issue.

(c) Provides that a municipality ordering an election under this section has the powers and responsibilities granted to a county under Subchapter B.

(d) Requires the metropolitan planning organization for the region in which the municipality calling the election is located, before an election may be called under this section, to certify by majority vote that the list of proposed mobility improvement projects included on the proposed ballot are consistent with the organization's current long-range transportation plan.

(e) Authorizes an election called under this section to only be held on a uniform election date in November or May.

Sec. 446.254. CONTENTS OF ORDER; BALLOT PROPOSITION. Requires that an order calling an election under Section 446.253 include the ballot proposition to be used in the election. Sets forth the required content of a ballot proposition.

Sec. 446.255. PROJECT SELECTION ADVISORY COMMITTEE. (a) Requires the municipality, before a municipality may order an election under this subchapter, to establish a project selection advisory committee to recommend mobility improvement projects and related methods of local option funding authorized by this chapter. Provides that the composition of an advisory committee is determined by the municipality.

(b) Requires each project selection advisory committee to consult with certain entities and authorities; give first consideration to mobility improvement projects of regional significance that complement or supplement the regional transportation system; and consider the geographic location of other state-funded or federally funded transportation projects and mobility improvement projects so as to foster geographic equity in the planning and development of regional projects.

Sec. 446.256. SUBSEQUENT ELECTIONS. (a) Authorizes a project selection advisory committee, after initial mobility improvement projects and methods of local option funding are determined and an initial election is called under Sections 446.253 and 446.254, to determine and propose additional projects and funding, and authorizes additional elections to be called using the procedures described by those sections.

(b) Prohibits the governing body of a municipality, notwithstanding Section 446.253, from calling an election under this subchapter before the 11th month following an election previously called under this subchapter.

Sec. 446.257. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES NOT AUTHORIZED. (a) Prohibits a municipality acting under this subchapter from directly operating or providing passenger rail services or any service expressly reserved by a transit authority created or operating under Chapter 451, Transportation Code, that serves the municipality.

(b) Provides that this subchapter does not authorize the creation of a transit or transportation authority.

SECTION 2. Amends Section 502.003(a), Transportation Code, as follows:

(a) Prohibits a political subdivision of this state, except as provided by Subsection (b) and by Chapter 446, Local Government Code, from requiring an owner of a motor vehicle to register the vehicle, pay a motor vehicle registration fee, or pay an occupation tax or license fee in connection with a motor vehicle.

SECTION 3. (a) Authorizes money collected from a county motor fuel tax authorized by this Act, unless otherwise authorized by the constitution of this state, to be used only for acquiring rights-of-way, for constructing, maintaining, and policing public roadways, and for administering laws related to the supervision of traffic and safety on those roads.

(b) Requires the county, if the constitution of this state does not authorize the use of money collected under the county motor fuel tax authorized by this Act for transportation uses other than those described by Subsection (a) of this section, to deposit such money into an account separate from the money collected under other provisions of Chapter 446, Local Government Code, as added by this Act, and authorizes the county to use the money only for the purposes described by Subsection (a) of this section.

(c) Requires the county, if the constitution of this state requires that one-fourth of the county motor fuel tax authorized by this Act be allocated to the available school fund, to deposit such money into an account separate from the money collected under other provisions of this Act and allocate the money to the comptroller of public accounts for deposit in the state treasury for the purpose required by the constitution.

SECTION 4. Effective date: upon passage or September 1, 2009.