

By: Villarreal

H.B. No. 1674

A BILL TO BE ENTITLED

AN ACT

relating to funding for county transportation needs.

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

SECTION 1. Subtitle B, Title 14, Local Government Code, is amended by adding Chapter 446 to read as follows:

CHAPTER 446. FUNDING FOR COUNTY TRANSPORTATION NEEDS

Sec. 446.001. DEFINITIONS. In this chapter:

(1) "Department" means the Texas Department of Transportation.

(2) "Metropolitan planning organization" has the meaning assigned by Section 472.031, Transportation Code.

Sec. 446.002. APPLICABILITY OF CHAPTER. This chapter applies only to a county with a population of at least 1.3 million that contains a municipality in which at least 75 percent of the county's population resides.

Sec. 446.003. REDUCTION OF TRADITIONAL TRANSPORTATION FUNDING PROHIBITED. (a) A county may not be penalized with a reduction in traditional transportation funding because of the imposition of an additional transportation funding source under this chapter.

(b) The department may not reduce any allocation of traditional transportation funding to any of its districts because of a district including a county that imposes an additional transportation funding source under this chapter.

1       (c) A county or another entity funding transportation in the  
2 county may not reduce traditional transportation funding because  
3 the county imposes an additional transportation funding source  
4 under this chapter.

5       Sec. 446.004. CALLING OF ELECTION. (a) The commissioners  
6 court of a county by order may call an election on the issue of  
7 authorizing one or more additional revenue sources in the county  
8 to:

9           (1) acquire, construct, develop, own, operate, and  
10 maintain passenger rail, transit, roadway, and freight rail  
11 facilities and sidewalks, hiking trails and biking trails;

12           (2) fund operations, maintenance, capital, and debt  
13 service expenses for passenger rail, transit, roadways, freight  
14 rail, sidewalks, hiking trails and biking trails; and

15           (3) contract with a transportation authority or  
16 transportation provider for a purpose authorized under Chapter 451,  
17 Transportation Code, including providing mobility services and  
18 implementing transportation projects except as prohibited by Sec.  
19 446.009 of this chapter.

20       (b) The commissioners court shall call an election on the  
21 issue described by Subsection (a) on receipt of a resolution  
22 requesting that the election be called adopted by the governing  
23 body of an advanced transportation district as defined by  
24 Subchapter O, Chapter 451, Transportation Code, or a successor to  
25 such a district, that is located partially or completely in the  
26 county.

27       (c) The commissioners court may adopt an order under this

1 section only after holding a public hearing on the issue.

2 Sec. 446.005. ELECTION ORDER. An order under Section  
3 446.004 calling an election must:

4 (1) designate each additional revenue source and the  
5 proposed rate or amount of the source to be used to fund capital  
6 construction of a transportation project and, if applicable, a  
7 separate and corresponding proposed rate or amount for maintenance  
8 and operation of the project;

9 (2) list the proposed transportation projects to be  
10 funded with each additional revenue source and require that the  
11 ballots for the election be prepared so that the voters are  
12 permitted to vote on each project separately;

13 (3) list the estimated cost of and completion date for  
14 the capital construction of each proposed transportation project;

15 (4) list the date on which the proposed rate or amount  
16 for the capital construction of a transportation project is  
17 expected to expire; and

18 (5) if applicable, list the estimated annual  
19 maintenance and operation expenses for the transportation project  
20 for which a rate or amount is proposed under Subdivision (1).

21 Sec. 446.006. ADDITIONAL REVENUE SOURCES. (a) The  
22 additional revenue sources under Section 446.005 may include any  
23 transportation-related revenue source the commissioners court  
24 considers appropriate, including:

25 (1) a county motor vehicle registration fee, not to  
26 exceed \$150;

27 (2) a mileage fee based on the amount of miles traveled

1 by a motor vehicle registered to a county resident, not to exceed  
2 one cent per vehicle mile traveled;

3 (3) an annual graduated fee based on the  
4 classification of motor vehicles by cubic inches of cylinder  
5 displacement, not to exceed \$350;

6 (4) an annual mitigation fee based on the  
7 environmental impact of emissions from a motor vehicle operated by  
8 a county resident, not to exceed \$250;

9 (5) a fee on a driver's license issued to a county  
10 resident, not to exceed \$50; and

11 (6) a roadway impact fee for the initial registration  
12 in the county of a motor vehicle previously registered in another  
13 state or county, not to exceed \$250.

14 (b) Chapter 395 does not apply to a fee imposed under  
15 Subsection (a)(4) or (6).

16 (c) Before imposing a fee under Subsection (a)(3), the  
17 commissioners court by order shall adopt a schedule of fees for  
18 motor vehicles based on classification by cubic inches of cylinder  
19 displacement.

20 (d) Before imposing a fee under Subsection (a)(4), the  
21 commissioners court by order shall adopt a schedule of fees for  
22 motor vehicles based on classification by the environmental impact  
23 of emissions from motor vehicles.

24 (e) A county imposing a fee under Subsection (a)(2) may base  
25 the fee on an estimated or averaged number of miles traveled or on  
26 actual miles traveled. If the county bases the fee on an estimated  
27 or averaged number, the county may develop and implement a rebate

1 system for county residents who, after paying the fee at least once,  
2 can provide evidence satisfactory to the county that the actual  
3 number of vehicle miles traveled by the resident's vehicle is less  
4 than the estimated or averaged number.

5 Sec. 446.007. IMPOSITION OF ADDITIONAL REVENUE SOURCE. (a)  
6 The commissioners court by order shall impose an additional revenue  
7 source approved at an election called under Section 446.004.

8 (b) At a minimum, the order imposing the additional revenue  
9 source must specify:

10 (1) the rate of the additional revenue source, which  
11 may not exceed the maximum rate approved at the election;

12 (2) the effective date of the additional revenue  
13 source;

14 (3) the manner in which the additional revenue source  
15 will be administered, collected, and enforced; and

16 (4) the transportation project or projects to be  
17 funded with each additional revenue source.

18 (c) For any additional revenue source authorized by this  
19 chapter, the commissioners court, after conducting a public  
20 hearing, by order may establish an exemption, waiver, or partial  
21 reduction for individuals of low income who demonstrate significant  
22 financial hardship.

23 Sec. 446.008. PROJECT SELECTION. In determining the county  
24 transportation projects to be funded with the additional revenue  
25 sources authorized under this chapter, a county shall:

26 (1) consult with:

27 (A) the municipalities located in the county;

1           (B) the metropolitan planning organization for  
2 the region in which the county is located;

3           (C) a regional mobility authority operating  
4 under Chapter 370, Transportation Code, that serves the county; and

5           (D) a transit or transportation authority  
6 created or operating under Chapter 451, 452, or 460, Transportation  
7 Code, that serves the county;

8           (2) give first consideration to projects that connect  
9 the most densely populated areas of the county with areas in which a  
10 substantial percentage of the county's workforce is employed before  
11 considering arterial projects; and

12           (3) consider the geographic location of other state or  
13 federally funded transportation projects, advanced transportation  
14 projects, and mobility enhancement projects so as to foster  
15 geographic equity in the planning and development of the projects.

16           Sec. 446.009. FUNDING OF TOLL PROJECT PROHIBITED. A county  
17 may not use money from an additional revenue source authorized  
18 under this chapter:

19           (1) to acquire, construct, maintain, or otherwise  
20 directly fund a toll project; or

21           (2) for a transportation project if the money is used  
22 in order to reallocate other revenue toward a toll project.

23           SECTION 2. Section 502.003(a), Transportation Code, is  
24 amended to read as follows:

25           (a) Except as provided by Subsection (b) and by Chapter 446,  
26 Local Government Code, a political subdivision of this state may  
27 not require an owner of a motor vehicle to:

- 1           (1) register the vehicle;
- 2           (2) pay a motor vehicle registration fee; or
- 3           (3) pay an occupation tax or license fee in connection
- 4 with a motor vehicle.

5           SECTION 3. (a) Except as otherwise provided by this

6 section, this Act takes effect January 1, 2010.

7           (b) A vehicle registration fee authorized by this Act may be

8 imposed only if the constitutional amendment proposed by the 81st

9 Legislature, Regular Session, 2009, allowing the expenditure of

10 vehicle registration fees to construct, maintain, and operate

11 passenger rail, transit, and freight rail is approved by the

12 voters. If that amendment is not approved by the voters, a vehicle

13 registration fee authorized by this Act may not be imposed.