

By: Rodriguez

H.B. No. 3448

A BILL TO BE ENTITLED

AN ACT

relating to local options regarding transportation and mobility improvement projects in certain counties.

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. LOCAL OPTIONS FOR TRANSPORTATION PROJECTS

Sec. 446.001. SHORT TITLE. This chapter may be cited as the Texas Local Option Transportation Act.

Sec. 446.002. 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.

(3) "Transportation Provider" means a transit agency created or operating under Chapter 451, Transportation Code, transportation authority, regional mobility authority, city or county.

Sec. 446.003. APPLICABILITY OF CHAPTER. This chapter applies only to a region served by a metropolitan planning organization with jurisdiction over a region in which:

(1) the principal municipality has a population of more than 650,000;

(2) all members of the governing body of the principal

1 municipality are elected on an at-large basis;

2 (3) a regional mobility authority has been created for  
3 the county in which the principal municipality is located under  
4 Chapter 370, Transportation Code.

5 Sec. 446.004. REDUCTION PROHIBITED. (a) A county may not  
6 be penalized with a reduction in traditional transportation funding  
7 because of the imposition of a method of local option funding under  
8 this chapter.

9 (b) The department may not reduce any allocation of  
10 traditional transportation funding to any of its districts because  
11 a district contains a county that imposes a method of local option  
12 funding under this chapter.

13 Sec. 446.005. CALLING OF ELECTION. (a) The commissioners  
14 court of a county by order may call an election on the issue of  
15 authorizing one or more methods under Section 446.008 for one or  
16 more mobility or transportation improvement projects located in the  
17 county, including passenger rail, transit, freight rail, and  
18 roadway projects.

19 (b) The commissioners court shall call an election on the  
20 issue described by Subsection (a) on receipt of:

21 (1) a resolution requesting that the election be  
22 called adopted by the governing body of one or more municipalities  
23 that:

24 (A) are located in the county; and

25 (B) alone or together contain at least 60 percent  
26 of the county's total population.

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

section only after holding a public hearing on the issue.

Sec. 446.006. ELECTION AND BALLOT LANGUAGE. (a) An order under Section 446.005 calling an election must:

(1) specify each proposed method authorized by this chapter that the county intends to use to fund a mobility or transportation improvement project;

(2) for each specified method, list the proposed rate or amount of the method to be used to fund capital construction of a mobility or transportation improvement project and, if applicable, a separate and corresponding proposed rate or amount for maintenance and operation of the project;

(3) list and generally describe the proposed mobility or transportation improvement project to be constructed with each specified method;

(4) list the estimated cost of and completion date for the capital construction of each proposed mobility or transportation improvement project;

(5) if more than one mobility or transportation improvement project is proposed, specify the sequence and order in which the projects will be initiated and completed; and

(6) list a non-binding date on which the proposed rate or amount for the capital construction of a mobility or transportation improvement project is expected to expire.

(b) The ballot at an election held under this section must be printed to permit voting for or against the proposition:

"Authorizing \_\_\_\_\_ (insert name of county) to \_\_\_\_\_ (insert a general and brief description of each proposed mobility or

1 transportation improvement project) and to impose a \_\_\_\_\_ (insert  
 2 each method of funding proposed for capital construction) at the  
 3 rate or amount of \_\_\_\_\_ (insert each proposed rate or amount  
 4 individually) for the purpose of financing the construction of the  
 5 project and to impose a \_\_\_\_\_ (insert each method of funding  
 6 proposed to be used exclusively for maintenance and operation, if  
 7 applicable) at the rate or amount of \_\_\_\_\_ (insert proposed rate  
 8 or amount) for the continuing maintenance and operation of the  
 9 project. Construction of the project is estimated to be completed  
 10 by the year \_\_\_\_\_ and the \_\_\_\_\_ (insert each method of funding  
 11 proposed for capital construction) is expected to expire in the  
 12 year \_\_\_\_\_ (list the year any bonds are expected to be retired)".  
 13 (If more than one project is proposed on the ballot, insert name of  
 14 the project to be completed first) \_\_\_\_\_ will be completed first,  
 15 followed by \_\_\_\_\_ (insert name of project to be completed next  
 16 until all projects listed on the ballot are listed in the order in  
 17 which they will be completed).

18 (c) Section 334.025 applies to an election called under  
 19 Section 446.005.

20 (d) An election called under Section 446.005 must be held on  
 21 a uniform election date in May or November or on a general primary  
 22 election date in March.

23 (e) Notwithstanding Section 446.005, the commissioners  
 24 court of a county may not call an election under that section within  
 25 12 months of an election previously called under that section.

26 (f) If the commissioners court calls an election under this  
 27 section on the receipt of valid resolutions under Section

1 446.005(b)(1), the ballot at the election must also state that the  
2 election was called for that reason.

3 Sec. 446.007. PROJECT SELECTION; POLITICAL SUBDIVISION  
4 EQUITY. (a) Subject to the provisions of Subsection (c), the  
5 commissioners court of a county shall determine each mobility or  
6 transportation improvement project to be funded by a method  
7 authorized by this chapter and called pursuant to Section  
8 446.005(a).

9 (b) Subject to the provisions of Subsection (c), the  
10 governing body of a municipality shall determine each mobility  
11 project or transportation improvement project to be funded by a  
12 method authorized by this chapter and called pursuant to Section  
13 446.005(b).

14 (c) A mobility or transportation improvement project under  
15 this chapter may be funded only if the project is determined to be  
16 an improvement of passenger rail, transit, or freight rail mobility  
17 or a substantial improvement of the roadway system by the  
18 metropolitan planning organization for the regional transportation  
19 system in which the county is located. For projects funded by an  
20 election called pursuant to Section 446.005, the commissioners  
21 court shall use best efforts to ensure that each project selected  
22 for inclusion on a ballot has regional significance.

23 (d) If a county imposing a method of local option funding  
24 under this chapter is designated as a nonattainment area within the  
25 meaning of Section 107(d) of the Clean Air Act (42 U.S.C. Section  
26 7407), as amended, preference in project selection shall be given  
27 to projects that:

1           (1) are exempt from federal transportation conformity  
2 requirements as listed in 40 C.F.R. Section 93.126;

3           (2) are exempt from regional emissions analyses as  
4 listed in 40 C.F.R. Section 93.127; or

5           (3) demonstrate quantifiable vehicle emission  
6 reductions.

7       Sec. 446.008. METHOD OF FUNDING. (a) A proposition placed  
8 on a ballot under Section 446.006 may include any combination of the  
9 following methods of funding:

10           (1) a county tax on the sale of motor vehicle fuel as  
11 annually adjusted under Section 446.013;

12           (2) a local option mobility improvement fee, in an  
13 amount not to exceed \$60;

14           (3) a parking regulation and management fee in  
15 addition to current local parking fees in the amount of \$.50 per  
16 hour for meter parking space and \$1 per day for each structured  
17 parking space;

18           (4) an annual motor vehicle emissions fee based on the  
19 amount of pollutants released by a vehicle, not to exceed \$20;

20           (5) a fee for the renewal of a driver's license issued  
21 to a county resident equal to the amount of the renewal fee of the  
22 license under Section 521.421, Transportation Code;

23           (6) a new resident roadway impact fee, in an amount not  
24 to exceed \$250; and

25           (7) a mileage fee based on the amount of miles traveled  
26 by a motor vehicle registered to a county resident, not to exceed  
27 one cent per vehicle mile traveled.

1        (b) Chapter 395 does not apply to a fee imposed under  
2 Subsection (a).

3        (c) The local option mobility improvement fee authorized by  
4 Subsection (a)(2) shall be imposed on each person registering a  
5 motor vehicle in the county other than a person who initially  
6 registers a vehicle after acquiring the vehicle.

7        (d) The new resident roadway impact fee authorized by  
8 Subsection (a)(6) shall be imposed on each person registering a  
9 motor vehicle previously registered in any county not participating  
10 in the local option transportation fund or another state or country  
11 and be collected at the time of registration.

12        Sec. 446.009. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING;  
13 LOW-INCOME RELIEF. (a) If a majority of the votes cast in an  
14 election held under this chapter approve any method or combination  
15 of methods of local option funding under this chapter, the  
16 commissioners court of the county by order shall impose and begin  
17 the collection of the approved method or methods of funding before  
18 the 91st day after the election date.

19        (b) At a minimum, the order imposing the method or methods  
20 of local option funding shall specify:

21                (1) the rate or amount of the method or methods  
22 approved at the election; and

23                (2) the manner in which each method will be  
24 administered, collected, and enforced.

25        (c) Section 502.108, Transportation Code, does not apply to  
26 money collected under this chapter.

27        (d) For any funding method authorized by this chapter except

1 a motor fuel tax, the commissioners court, after conducting a  
2 public hearing, may by order establish an exemption, waiver, or  
3 partial reduction for individuals of low or moderate income who  
4 demonstrate significant financial hardship.

5 (e) A county may impose and collect a method approved at an  
6 election held under this chapter and may enter into a contract or  
7 interlocal agreement to implement the imposition or collection.

8 Sec. 446.010. LOCAL OPTION TRANSPORTATION FUND. (a) All  
9 counties in which a method of local option funding authorized by  
10 this chapter is imposed, shall participate in a local option  
11 transportation fund to be administered by the local Metropolitan  
12 Planning Organization, under whose jurisdiction the county falls.

13 (b) The county shall deposit in the local option  
14 transportation fund the proceeds of any method imposed by the  
15 county under this chapter and any other money required by law to be  
16 deposited in the fund.

17 (c) The local Metropolitan Planning Organization shall  
18 establish a separate account in the fund for each approved mobility  
19 or transportation improvement project or portion thereof and, if  
20 applicable, a separate account for money to be used to fund  
21 maintenance and operations of the project.

22 (d) Money in the fund is the property of the county  
23 depositing the money and may be spent only on mobility or  
24 transportation improvement projects located in the county, except  
25 that money may be spent on a project located outside the county,  
26 including a project located on or that serves an airport, if the  
27 commissioners court or the municipality placing the project on the



ballot pursuant to Section 446.007 determines that the project benefits the region.

Sec. 446.011. USE OF MONEY IN FUND. (a) The Metropolitan Planning Organization may use the money in the local option transportation fund to:

(1) reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, or renovating a mobility or transportation improvement project for which a method of local option funding was imposed under this chapter;

(2) pay the principal of, interest on, or other costs relating to bonds or other obligations, refund bonds, notes or other obligations issued by a county, municipality or transportation provider for a mobility or transportation improvement project for which a method of local option funding was imposed under this subchapter;

(3) refund the costs of operating or maintaining a mobility or transportation improvement project for which a method of local option funding was imposed under this subchapter operated by a transportation provider; or

(4) enter into a contract or an interlocal agreement with a person, including a transportation provider, to:

(A) provide mobility services for a project for which a method was imposed under this chapter, including passenger rail facilities and services; and

(B) implement transportation projects for which a method was imposed under this chapter.

(b) The bonds or other obligations and the proceedings

1 authorizing the bonds or other obligations shall be submitted to  
2 the attorney general for review and approval as required by Chapter  
3 1202, Government Code.

4 (c) The bonds or other obligations must be payable from and  
5 secured by the money in the local option transportation fund.

6 (d) The bonds or other obligations may mature serially or  
7 otherwise not more than 30 years from the date of issuance.

8 (e) The bonds or other obligations are not a debt of and do  
9 not create a claim for payment against the revenue or property of  
10 the county other than the revenue sources pledged in connection  
11 with a mobility or transportation improvement project for which the  
12 bonds are issued.

13 Sec. 446.012. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES  
14 NOT AUTHORIZED. (a) A county or municipality acting under this  
15 chapter, may not directly operate or provide passenger rail  
16 services or any service expressly reserved by a transit authority  
17 created or operating under Chapter 451, Transportation Code, that  
18 serves the county.

19 (b) This chapter does not authorize the creation of a  
20 transit or transportation authority.

21 Sec. 446.013. ANNUAL RATE CHANGE ACCORDING TO PRODUCER  
22 PRICE INDEX. (a) In this section:

23 (1) "Producer price index" means the producer price  
24 index for highway and street construction published by the United  
25 States Department of Labor.

26 (2) "Producer price index percentage change" means the  
27 percentage increase or decrease, not to exceed five percent, in the

1 producer price index of a given state fiscal year from the producer  
2 price index of the preceding state fiscal year.

3 (b) On October 1 of each year, the rate of the tax imposed  
4 under Section 446.008(a)(1) is increased or decreased by an amount  
5 that is equal to the producer price index percentage change for the  
6 preceding fiscal year multiplied by the rate of the tax on August 1  
7 of that year.

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

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

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

17 SECTION 3. (a) Except as otherwise provided by this  
18 section, this Act takes effect January 1, 2010.

19 (b) A motor vehicle fuel tax or a vehicle registration fee  
20 authorized by this Act may be imposed only if the constitutional  
21 amendment proposed by the 81st Legislature, Regular Session, 2009,  
22 allowing the expenditure of motor vehicle fuel taxes and vehicle  
23 registration fees to construct, maintain, and operate passenger  
24 rail, transit, and freight rail is approved by the voters. If that  
25 amendment is not approved by the voters, a motor vehicle fuel tax  
26 and a vehicle registration fee authorized by this Act may not be  
27 imposed.