

By: Watson

S.B. No. 1923

A BILL TO BE ENTITLED

AN ACT

relating to funding sources for the Texas rail relocation and improvement fund.

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

SECTION 1. Section 201.971, Transportation Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Program" means the rail relocation program.

SECTION 2. Subchapter O, Chapter 201, Transportation Code, is amended by adding Section 201.979 to read as follows:

Sec. 201.979. RAIL RELOCATION ADVISORY GROUP. (a) The rail relocation advisory group is created to advise the department on the implementation and administration of the program.

(b) The advisory group consists of stakeholders in the railroad industry, appointed by the chair of the Senate Committee on Transportation and Homeland Security and by the chair of the House Committee on Transportation. The chairs shall determine the number of members appropriate to accomplishing the duties of the advisory group.

(c) The advisory group meets at the call of the chairs and shall advise the department on the best use of money available in the fund and on accomplishing the goals of the program, including strategies for:

(1) alleviating traffic congestion;

(2) improving passenger and freight mobility;

1           (3) reducing noise in residential areas; and

2           (4) mitigating adverse effects on the environment.

3           (d) The department shall provide administrative support,  
4 including staff, as necessary to assist the advisory group in  
5 accomplishing its duties.

6           (e) A member of the advisory group is not entitled to  
7 compensation for service on the committee but is entitled to  
8 reimbursement of travel expenses incurred by the member while  
9 conducting the business of the advisory group, as provided by the  
10 General Appropriations Act.

11           SECTION 3. Subsection (c), Section 342.004, Transportation  
12 Code, is amended to read as follows:

13           (c) The department shall deposit each fee collected under  
14 this section to the credit of the Texas rail relocation and  
15 improvement [~~state highway~~] fund.

16           SECTION 4. Subsection (d), Section 501.097, Transportation  
17 Code, is amended to read as follows:

18           (d) The fee collected under Subsection (a)(1) shall be  
19 credited to the Texas rail relocation and improvement [~~state~~  
20 ~~highway~~] fund to defray the costs of administering this subchapter  
21 and the costs to the department for issuing the title.

22           SECTION 5. Subsection (e), Section 501.100, Transportation  
23 Code, is amended to read as follows:

24           (e) On or after the 31st day after the date the department  
25 receives a rebuilder fee under Subsection (d), the department shall  
26 deposit \$50 of the fee to the credit of the Texas rail relocation  
27 and improvement [~~state highway~~] fund to be used only by the

1 Department of Public Safety to enforce this chapter and \$15 to the  
2 credit of the general revenue fund.

3 SECTION 6. Subsection (c), Section 501.138, Transportation  
4 Code, is amended to read as follows:

5 (c) Of the amount received under Subsection (b)(2), the  
6 department shall deposit:

7 (1) \$5 in the general revenue fund; and

8 (2) \$3 to the credit of the Texas rail relocation and  
9 improvement [~~state highway~~] fund to recover the expenses necessary  
10 to administer this chapter.

11 SECTION 7. Subsection (b), Section 502.179, Transportation  
12 Code, is amended to read as follows:

13 (b) The office issuing a duplicate receipt shall retain the  
14 fee received as a fee of office. If the department issued the  
15 receipt, the fee shall be deposited in the Texas rail relocation and  
16 improvement fund.

17 SECTION 8. Subsection (c), Section 504.505, Transportation  
18 Code, is amended to read as follows:

19 (c) The initial fee for issuance of the license plates is  
20 \$8. The license plates may be renewed without payment of a fee. A  
21 fee collected under this subsection shall be deposited to the  
22 credit of the Texas rail relocation and improvement fund.

23 SECTION 9. Subsection (b), Section 504.507, Transportation  
24 Code, is amended to read as follows:

25 (b) The fee for issuance of the license plates is \$8. The  
26 department shall deposit the fee to the credit of the Texas rail  
27 relocation and improvement fund and:

1           (1) [~~also~~] collect any additional fee that a county  
2 imposes under this chapter for registration of a forestry vehicle;  
3 and

4           (2) send the additional fee to the appropriate county  
5 for disposition.

6           SECTION 10. Subsection (a), Section 621.353,  
7 Transportation Code, is amended to read as follows:

8           (a) The comptroller shall send \$50 of each base fee  
9 collected under Section 623.011 for an excess weight permit to the  
10 counties of the state, with each county receiving an amount  
11 determined according to the ratio of the total number of miles of  
12 county roads maintained by the county to the total number of miles  
13 of county roads maintained by all of the counties of this state.  
14 The comptroller shall deposit \$25 of each base fee, plus each fee  
15 collected under Section 623.0112, to the credit of the Texas rail  
16 relocation and improvement [~~state highway~~] fund. [~~Money deposited~~  
17 ~~to the credit of that fund under this subsection may be appropriated~~  
18 ~~only to the department to administer this section and Sections~~  
19 ~~623.011, 623.0111, and 623.0112.~~]

20           SECTION 11. Section 621.354, Transportation Code, is  
21 amended to read as follows:

22           Sec. 621.354. DISPOSITION OF FEES FOR PERMIT FOR MOVEMENT  
23 OF CYLINDRICAL HAY BALES. The department shall deposit each fee  
24 collected under Section 623.017 in the state treasury to the credit  
25 of the Texas rail relocation and improvement [~~state highway~~] fund.

26           SECTION 12. Subsection (a), Section 622.051,  
27 Transportation Code, is amended to read as follows:

1 (a) A person may operate over a highway or road of this state  
2 a vehicle or combination of vehicles that is used exclusively for  
3 transporting poles required for the maintenance of electric power  
4 transmission and distribution lines if:

5 (1) the vehicle, or combination of vehicles, is not  
6 longer than 75 feet, including the load; and

7 (2) the operator of the vehicle, or combination of  
8 vehicles, pays to the department \$120 each calendar year, which the  
9 department shall deposit to the credit of the Texas rail relocation  
10 and improvement fund.

11 SECTION 13. Subsection (c), Section 623.0111,  
12 Transportation Code, is amended to read as follows:

13 (c) Of the fees collected under Subsection (a) the following  
14 amounts shall be deposited to the general revenue fund and the  
15 remainder shall be deposited to the credit of the Texas rail  
16 relocation and improvement [~~state highway~~] fund:

17	Number of Counties	Amount Allocated to
18	Designated	General Revenue Fund
19	1-5	\$125
20	6-20	\$125
21	21-40	\$345
22	41-60	\$565
23	61-80	\$785
24	81-100	\$900
25	101-254	\$1,000

26 SECTION 14. Subsections (a-1) and (c), Section 623.076,  
27 Transportation Code, are amended to read as follows:

1 (a-1) The following amounts collected under Subsection (a)  
2 shall be deposited to the general revenue fund and the remainder  
3 deposited to the credit of the Texas rail relocation and  
4 improvement [~~state highway~~] fund:

Amount of Fee	Amount Allocated to General Revenue Fund
\$60 (single-trip permit)	\$30
\$120 (30-day permit)	\$60
\$180	\$90
\$240	\$120
\$270	\$135

11 (c) An application for a permit under Section 623.071(c)(3)  
12 or (d) must be accompanied by the permit fee established by the  
13 commission for the permit, not to exceed \$7,000. Of each fee  
14 collected under this subsection, the department shall send:

15 (1) the first \$1,000 to the comptroller for deposit to  
16 the credit of the general revenue fund; and

17 (2) any amount in excess of \$1,000 to the comptroller  
18 for deposit to the credit of the Texas rail relocation and  
19 improvement [~~state highway~~] fund.

20 SECTION 15. Subsection (b), Section 623.077,  
21 Transportation Code, is amended to read as follows:

22 (b) The department shall send each fee collected under  
23 Subsection (a) to the comptroller for deposit to the credit of the  
24 Texas rail relocation and improvement [~~state highway~~] fund.

25 SECTION 16. Subsection (a), Section 623.096,  
26 Transportation Code, is amended to read as follows:

27 (a) The department shall collect a fee of \$40 for each

1 permit issued under this subchapter. Of each fee, \$19.70 shall be  
2 deposited to the credit of the general revenue fund and the  
3 remainder deposited to the credit of the Texas rail relocation and  
4 improvement [~~state highway~~] fund.

5 SECTION 17. Section 623.147, Transportation Code, is  
6 amended to read as follows:

7 Sec. 623.147. DEPOSIT OF FEE IN TEXAS RAIL RELOCATION AND  
8 IMPROVEMENT [~~STATE HIGHWAY~~] FUND. A fee collected under this  
9 subchapter shall be deposited to the credit of the Texas rail  
10 relocation and improvement [~~state highway~~] fund.

11 SECTION 18. Section 623.233, Transportation Code, is  
12 amended to read as follows:

13 Sec. 623.233. MAINTENANCE CONTRACTS. The district shall  
14 make payments to the credit of the Texas rail relocation and  
15 improvement fund for the purposes of Subchapter O, Chapter 201  
16 [~~department to provide funds for the maintenance of state highways~~  
17 ~~subject to this subchapter~~].

18 SECTION 19. Subsection (b), Section 623.234,  
19 Transportation Code, is amended to read as follows:

20 (b) Fees collected under Subsection (a) shall be [~~used~~  
21 ~~solely to provide funds for the payments provided for under Section~~  
22 ~~623.233 less administrative costs, which shall not exceed 15~~  
23 ~~percent of the fees collected. The fees shall be~~] deposited in the  
24 Texas rail relocation and improvement [~~state highway~~] fund. Fees  
25 deposited [~~in the state highway fund~~] under this section are exempt  
26 from the application of Section 403.095, Government Code.

27 SECTION 20. Section 623.253, Transportation Code, is

1 amended to read as follows:

2           Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make  
3 payments to the department to be deposited to the credit of the  
4 Texas rail relocation and improvement fund for the purposes of  
5 Subchapter O, Chapter 201 [~~provide funds for the maintenance of~~  
6 ~~state highways subject to this subchapter~~].

7           SECTION 21. Subsection (b), Section 623.254,  
8 Transportation Code, is amended to read as follows:

9           (b) Fees collected under Subsection (a) [~~may be used only to~~  
10 ~~provide funds for the payments under Section 623.253 and for the~~  
11 ~~county's administrative costs, which may not exceed 15 percent of~~  
12 ~~the fees collected. The fees~~] shall be deposited in the Texas rail  
13 relocation and improvement [~~state highway~~] fund. Fees deposited  
14 [~~in the state highway fund~~] under this section are exempt from the  
15 application of Section 403.095, Government Code.

16           SECTION 22. Section 2301.156, Occupations Code, is amended  
17 to read as follows:

18           Sec. 2301.156. DEPOSIT OF REVENUE. Notwithstanding any  
19 other law to the contrary, all money collected by the board under  
20 this chapter shall be deposited in the state treasury to the credit  
21 of the Texas rail relocation and improvement [~~state highway~~] fund.

22           SECTION 23. Not later than the 60th day after the effective  
23 date of this Act, the Texas Department of Transportation shall  
24 report to the Legislative Budget Board and the Governor's Office of  
25 Budget and Planning on the availability of funds under federal  
26 matching programs for the rail relocation program under Subchapter  
27 O, Chapter 201, Transportation Code, as amended by this Act, and on

1 how to secure such funds for financing the program.

2 SECTION 24. Not later than January 1, 2011, the Texas  
3 Department of Transportation shall submit a comprehensive report to  
4 the governor, to the chair of the Senate Committee on  
5 Transportation and Homeland Security, and to the chair of the House  
6 Committee on Transportation regarding the progress of the rail  
7 relocation program under Subchapter O, Chapter 201, Transportation  
8 Code, as amended by this Act, and the status of program financing,  
9 including:

10 (1) the dollar amount of the bonds issued for the  
11 program;

12 (2) a description of the projects being financed by  
13 the program;

14 (3) the status and estimated date of completion of  
15 each project;

16 (4) a description of the projects to be financed in the  
17 2012-2013 fiscal biennium;

18 (5) the estimated debt service requirement in the  
19 2012-2013 fiscal biennium for the projects; and

20 (6) the availability of any funds under federal  
21 matching programs.

22 SECTION 25. The Texas Department of Transportation, in  
23 coordination with the comptroller of public accounts, shall produce  
24 recommendations for supplemental revenue sources for the Texas rail  
25 relocation and improvement fund for consideration by the 82nd  
26 Legislature.

27 SECTION 26. If the comptroller of public accounts files a

1 certification with the secretary of state that revenue and  
2 appropriations measures of the 81st Legislature produce a net gain  
3 to State Highway Fund No. 0006 in the 2010-2011 fiscal biennium over  
4 the 2008-2009 fiscal biennium, this Act takes effect September 1,  
5 2009. If the comptroller does not file such a certification, this  
6 Act has no effect.