

By: Guillen

H.B. No. 981

A BILL TO BE ENTITLED

AN ACT

relating to the creation of local mobility credit programs.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.622 to read as follows:

Sec. 201.622. LOCAL MOBILITY CREDIT PROGRAMS. (a) In this section:

(1) "Excess local share credit" means an amount in excess of the local share requirement necessary for a federally financed project. The term includes:

(A) qualified land value; and

(B) transportation development credits, as described by 23 U.S.C. Section 120(j).

(2) "Federally financed project" means a transportation project that is partially financed under a federal financing program for transportation projects.

(3) "Local share requirement" means the minimum amount of money required of this state or a local entity in this state, as determined by commission rule, to match the amount of federal funds available for a federally financed project.

(4) "Planning entity" means:

(A) a metropolitan planning organization;

(B) a rural planning organization; or

(C) a department district for an area not served

1 by a metropolitan planning organization or a rural planning
2 organization.

3 (5) "Qualified mobility project" means a project:

4 (A) that meets all eligibility requirements
5 under the applicable federal financing program;

6 (B) for which all applicable preliminary
7 engineering, environmental assessment, and right-of-way
8 requirements have been fulfilled;

9 (C) that is included in the statewide
10 transportation improvement program and any applicable local
11 transportation improvement plan;

12 (D) that increases the capacity of highways,
13 transit systems, and railroads to carry passengers and freight; and

14 (E) that contributes to the air quality
15 objectives of this state.

16 (b) On approval by the commission, a planning entity may
17 create a local mobility credit program.

18 (c) A planning entity may:

19 (1) accumulate excess local share credits in an
20 account designated for use by the local mobility credit program;
21 and

22 (2) use the excess local share credits to fulfill the
23 local share requirement for qualified mobility projects in the
24 planning entity's jurisdiction.

25 (d) Unless a local mobility credit program is reauthorized
26 by the commission:

27 (1) a planning organization may not authorize the use

1 of credits under the program on or after the 10th anniversary of the
2 date of the program's approval by the commission; and

3 (2) the program expires when all authorized projects
4 are completed.

5 (e) Not later than December 1 of each even-numbered year,
6 the department shall submit to the legislature and the presiding
7 officers of the standing committees of the senate and the house of
8 representatives that have jurisdiction over issues related to
9 transportation a report that details:

10 (1) the use and success of local mobility credit
11 programs in extending the department's authority to authorize
12 project development;

13 (2) the use of excess local share credits to
14 facilitate transit improvements;

15 (3) the success of local mobility credit programs in
16 encouraging regional mobility strategies that maximize available
17 local resources, including cash and land, to match available
18 federal funding; and

19 (4) the activities and recommendations of the
20 rulemaking advisory committee created under Subsection (f).

21 (f) The commission shall create and appoint not more than 11
22 members to a rulemaking advisory committee to consider and
23 recommend to the commission appropriate rules to administer local
24 mobility credit programs created under this section. The committee
25 may be composed of representatives of:

26 (1) metropolitan planning organizations;

27 (2) rural planning organizations; and

1 (3) the United States Department of Transportation
2 Federal Highway Administration.

3 (g) This subsection and Subsection (f) expire August 31,
4 2015.

5 SECTION 2. (a) Not later than the 60th day after the
6 effective date of this Act, the Texas Transportation Commission
7 shall appoint members to the rulemaking advisory committee created
8 under Section 201.622(f), Transportation Code, as added by this
9 Act. As soon as practicable after the committee's creation, the
10 committee shall recommend rules to the Texas Transportation
11 Commission.

12 (b) Not later than the 90th day after the date the
13 rulemaking advisory committee recommends rules under Subsection
14 (a) of this section, the Texas Transportation Commission shall
15 propose rules for the administration of local mobility credit
16 programs created under Section 201.622, Transportation Code, as
17 added by this Act.

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.