

By: Rodriguez

H.B. No. 3092

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 616 to read as follows:

CHAPTER 616. LOCAL OPTIONS FOR TRANSPORTATION PROJECTS

Sec. 616.001. SHORT TITLE. This chapter may be cited as the Texas Local Option Transportation Act.

Sec. 616.002. 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:

(A) metropolitan rapid transit authority created or operating under Chapter 451, Transportation Code;

(B) transportation authority;

(C) regional mobility authority under Chapter 370, Transportation Code;

(D) municipality; or

(E) county.

Sec. 616.003. APPLICABILITY OF CHAPTER. This chapter applies only to a region served by a metropolitan planning

1 organization if the region contains a municipality:

2 (1) with:

3 (A) a population of more than 750,000; and

4 (B) a governing body for which each member is
5 elected at large; and

6 (2) primarily located in a county for which a regional
7 mobility authority has been created under Chapter 370,
8 Transportation Code.

9 Sec. 616.004. REDUCTION PROHIBITED. (a) A county may not
10 be penalized with a reduction in traditional transportation funding
11 because of the imposition of a method of local option funding under
12 this chapter.

13 (b) The department may not reduce any allocation of
14 traditional transportation funding to any of its districts because
15 a district contains a county that imposes a method of local option
16 funding under this chapter.

17 Sec. 616.005. CALLING OF ELECTION. (a) The commissioners
18 court of a county located in a region to which this chapter applies
19 by order may call an election on the issue of authorizing one or
20 more methods under Section 616.008 for one or more mobility or
21 transportation improvement projects located in the county,
22 including passenger rail, transit, freight rail, and roadway
23 projects.

24 (b) The commissioners court of a county located in a region
25 to which this chapter applies shall call an election on the issue
26 described by Subsection (a) on receipt of a resolution requesting
27 that the election be called adopted by the governing body of one or

1 more municipalities that:

2 (1) are located in the county; and

3 (2) individually or together contain at least 60
4 percent of the county's total population.

5 (c) The commissioners court may adopt an order under this
6 section only after holding a public hearing on the issue.

7 Sec. 616.006. ELECTION AND BALLOT LANGUAGE. (a) An order
8 under Section 616.005 calling an election must:

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

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

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

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

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

26 (6) list a nonbinding date on which the proposed rate
27 or amount for the capital construction of a mobility or

1 transportation improvement project is expected to expire.

2 (b) The ballot at an election held under this section must
3 be printed to permit voting for or against the proposition:
4 "Authorizing _____ (insert name of county) to _____ (insert a
5 general and brief description of each proposed mobility or
6 transportation improvement project) and to impose a _____
7 (insert each method of funding proposed for capital construction)
8 at the rate or amount of _____ (insert each proposed rate or
9 amount individually) for the purpose of financing the construction
10 of the project and to impose a _____ (insert each method of
11 funding proposed to be used exclusively for maintenance and
12 operation, if applicable) at the rate or amount of _____ (insert
13 proposed rate or amount) for the continuing maintenance and
14 operation of the project. Construction of the project is estimated
15 to be completed by the year _____ and the _____ (insert each
16 method of funding proposed for capital construction) is expected to
17 expire in the year _____ (list the year any bonds are expected
18 to be retired)". (If more than one project is proposed on the
19 ballot, insert name of the project to be completed first) _____
20 will be completed first, followed by _____ (insert name of
21 project to be completed next until all projects listed on the ballot
22 are listed in the order in which they will be completed).

23 (c) Section 334.025 applies to an election called under
24 Section 616.005.

25 (d) An election called under Section 616.005 must be held on
26 a uniform election date under Section 41.001, Election Code, or on
27 the date of the general primary election.

1 (e) Notwithstanding Section 616.005, the commissioners
2 court of a county may not call an election under that section within
3 12 months of an election previously called under that section.

4 (f) If the commissioners court calls an election under this
5 section on the receipt of one or more valid resolutions under
6 Section 616.005(b), the ballot at the election must also state that
7 the election was called for that reason.

8 Sec. 616.007. PROJECT SELECTION; POLITICAL SUBDIVISION
9 EQUITY. (a) Subject to Subsection (c), the commissioners court of
10 a county shall determine each mobility or transportation
11 improvement project to be funded by a method authorized by this
12 chapter for which an election is called under Section 616.005(a).

13 (b) Subject to Subsection (c), the governing body of a
14 municipality making a request under Section 616.005(b) shall
15 determine each mobility or transportation improvement project to be
16 funded by a method authorized by this chapter for an election called
17 under that section.

18 (c) A mobility or transportation improvement project under
19 this chapter may be funded only if the project is determined to be
20 an improvement of passenger rail, transit, or freight rail mobility
21 or a substantial improvement of the roadway system by the
22 metropolitan planning organization for the regional transportation
23 system in which the county is located. For projects funded by an
24 election called under Section 616.005(a), the commissioners court
25 shall use best efforts to ensure that each project selected for
26 inclusion on a ballot has regional significance.

27 (d) If a county imposing a method of local option funding

1 under this chapter is designated as a nonattainment area within the
2 meaning of Section 107(d) of the Clean Air Act (42 U.S.C. Section
3 7407), preference in project selection shall be given to a project
4 that:

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

7 (2) is exempt from regional emissions analyses as
8 listed in 40 C.F.R. Section 93.127; or

9 (3) demonstrates quantifiable vehicle emission
10 reductions.

11 Sec. 616.008. METHOD OF FUNDING. (a) A proposition placed
12 on a ballot under Section 616.006 may include any combination of the
13 following methods of funding:

14 (1) a county tax on the sale of motor vehicle fuel, at
15 a rate not to exceed 10 cents per gallon and as annually adjusted
16 under Section 616.013;

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

19 (3) a parking regulation and management fee in the
20 amount of 50 cents per hour for use of a metered parking space and \$1
21 per day for use of a parking space in a parking garage;

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

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

27 (6) a new resident roadway impact fee, in an amount not

1 to exceed \$250; and

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

5 (b) Chapter 395 does not apply to a fee imposed under
6 Subsection (a).

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

11 (d) The new resident roadway impact fee authorized by
12 Subsection (a)(6) shall be collected at the time of registration
13 and be imposed on each person registering a motor vehicle
14 previously registered in another county that has not imposed a
15 method of local option funding under this chapter.

16 Sec. 616.009. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING;
17 LOW-INCOME RELIEF. (a) If a majority of the votes cast in an
18 election held under this chapter approve any method or combination
19 of methods of local option funding under this chapter, the
20 commissioners court of the county by order shall impose and begin
21 the collection of the approved method or methods of funding before
22 the 91st day after the election date.

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

25 (1) the rate or amount of the method or methods
26 approved at the election; and

27 (2) the manner in which each method will be

1 administered, collected, and enforced.

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

4 (d) For any funding method authorized by this chapter,
5 except a motor fuel tax, the commissioners court, after conducting
6 a public hearing, may by order establish an exemption, waiver, or
7 partial reduction for individuals of low or moderate income who
8 demonstrate significant financial hardship.

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

12 Sec. 616.010. LOCAL OPTION TRANSPORTATION FUND. (a) A
13 county in which a method of local option funding authorized by this
14 chapter is imposed shall participate in a local option
15 transportation fund to be administered by the metropolitan planning
16 organization in which the county is located.

17 (b) The county shall deposit in the fund the proceeds of any
18 method imposed by the county under this chapter and any other money
19 required by law to be deposited in the fund.

20 (c) The metropolitan planning organization shall establish
21 a separate account in the fund for each approved mobility or
22 transportation improvement project and, if applicable, a separate
23 account for money to be used to fund maintenance and operations of
24 the project.

25 (d) Money in the fund is the property of the county
26 depositing the money and may be spent only on mobility or
27 transportation improvement projects located in the county, except

1 that money may be spent on a project located outside the county,
2 including a project located on or that serves an airport, if it is
3 determined that the project benefits the region.

4 Sec. 616.011. USE OF MONEY IN FUND. (a) The metropolitan
5 planning organization may use money in the local option
6 transportation fund to:

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

11 (2) pay the principal of, interest on, or other costs
12 relating to bonds, refunding bonds, notes, or other obligations
13 issued by a transportation provider for a mobility or
14 transportation improvement project for which a method of local
15 option funding was imposed under this chapter;

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

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

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

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

27 (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. 616.012. 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. 616.013. 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 616.008(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 616,
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, 2012.

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 82nd Legislature, Regular Session, 2011,
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.