

By: Wentworth, Zaffirini

S.B. No. 1860

A BILL TO BE ENTITLED

AN ACT

relating to funding for transportation needs 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. FUNDING FOR COUNTY TRANSPORTATION NEEDS

Sec. 616.001. 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. 616.002. APPLICABILITY OF CHAPTER. This chapter applies only to a county with a population of at least 1.7 million that contains a municipality in which at least 75 percent of the county's population resides.

Sec. 616.003. 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. 616.004. 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 provided by Section
19 616.009.

20 (b) The commissioners court shall call an election on the
21 issue described by Subsection (a) on receipt of resolutions
22 requesting that the election be called adopted by the governing
23 body of:

24 (1) an advanced transportation district as defined by
25 Subchapter O, Chapter 451, Transportation Code, or a successor to
26 such a district, that is located partially or completely in the
27 county; and

1 (2) the municipality that has the largest population
2 in the county.

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

5 Sec. 616.005. ELECTION ORDER. An order under Section
6 616.004 calling an election must:

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

12 (2) list the proposed transportation projects and the
13 entity responsible for construction and operation of the projects
14 to be funded with each additional revenue source and require that
15 the ballots for the election be prepared so that the voters are
16 permitted to vote on each project separately;

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

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

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

25 Sec. 616.006. ADDITIONAL REVENUE SOURCES. (a) The
26 additional revenue sources under Section 616.005 may include any
27 transportation-related revenue source the commissioners court and

1 the governing body of the municipality that has the largest
2 population in the county consider appropriate, including:

3 (1) a fee on a driver's license issued to a county
4 resident, not to exceed \$50; and

5 (2) a fee on a car rented within the county, not to
6 exceed \$10.

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

9 Sec. 616.007. IMPOSITION OF ADDITIONAL REVENUE SOURCE. (a)
10 The commissioners court by order, and the governing body of the
11 municipality that has the largest population in the county by
12 ordinance, shall impose an additional revenue source approved at an
13 election called under Section 616.004.

14 (b) At a minimum, the order or ordinance imposing the
15 additional revenue source must specify:

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

18 (2) the effective date of the additional revenue
19 source;

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

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

24 (c) For any additional revenue source authorized by this
25 chapter, the commissioners court by order and the governing body of
26 the municipality that has the largest population in the county by
27 ordinance, after conducting a public hearing, may establish an

1 exemption, waiver, or partial reduction for individuals of low
2 income who demonstrate significant financial hardship.

3 Sec. 616.008. PROJECT SELECTION. In determining the county
4 transportation projects to be funded with the additional revenue
5 sources authorized under this chapter, a county and the governing
6 body of the municipality that has the largest population in the
7 county shall:

8 (1) consult with:

9 (A) the metropolitan planning organization for
10 the region in which the county is located;

11 (B) a regional mobility authority operating
12 under Chapter 370, Transportation Code, that serves the county; and

13 (C) a transit or transportation authority
14 created or operating under Chapter 451, 452, or 460, Transportation
15 Code, that serves the county; and

16 (2) consider the geographic location of other state or
17 federally funded transportation projects, advanced transportation
18 projects, and mobility enhancement projects to ensure geographic
19 equity in the planning and development of the projects.

20 Sec. 616.009. FUNDING OF TOLL PROJECT PROHIBITED. A county
21 may not use money from an additional revenue source authorized
22 under this chapter:

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

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

27 SECTION 2. Section 502.003(a), Transportation Code, is

1 amended to read as follows:

2 (a) Except as provided by Subsection (b) and by Chapter 616,
3 Local Government Code, a political subdivision of this state may
4 not require an owner of a motor vehicle to:

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

9 SECTION 3. This Act takes effect January 1, 2012.