

By: McClendon, Riddle, Geren, et al.

H.B. No. 1878

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the allocation of certain revenue to the Texas rail
3 relocation and improvement fund and the Texas emissions reduction
4 plan fund and for congestion mitigation projects.

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

6 SECTION 1. Section 501.138, Transportation Code, is amended
7 by amending Subsections (b-1) and (b-2) and adding Subsection (c-1)
8 to read as follows:

9 (b-1) Fees collected under Subsection (b) to be sent to the
10 comptroller shall be deposited to the credit of the Texas Mobility
11 Fund, except that \$5 of each fee imposed under Subsection (a)(1)
12 [~~and deposited on or after September 1, 2008, and before September~~
13 ~~1, 2015,~~] shall be deposited to the credit of the Texas rail
14 relocation and improvement [~~emissions reduction plan~~] fund.

15 (b-2) The comptroller shall establish a record of the amount
16 of the fees deposited to the credit of the Texas Mobility Fund under
17 Subsection (b-1) and shall monitor transfers to and from the Texas
18 emissions reduction plan fund. On or before the fifth workday of
19 each month, the Texas Department of Transportation [~~department~~]
20 shall remit to the comptroller for deposit to the credit of the
21 Texas emissions reduction plan fund an amount of money, not to
22 exceed [~~equal to~~] the amount of the fees deposited by the
23 comptroller to the credit of the Texas Mobility Fund under
24 Subsection (b-1) in the preceding month, the comptroller determines

1 is necessary to meet amounts appropriated from the Texas emissions
2 reduction plan fund or, after consultation with the Texas
3 Commission on Environmental Quality, if a fee is imposed on
4 stationary sources in a county located in a nonattainment area as
5 provided by 42 U.S.C. Section 7511d, an amount of money not to
6 exceed the amount of the total of fees attributable to applicants
7 for titles, other than the state or political subdivisions of the
8 state, who reside in a county located in a nonattainment area or in
9 an affected county, as described by Subsection (a)(1). The Texas
10 Department of Transportation [~~department~~] shall use for remittance
11 to the comptroller as required by this subsection money in the state
12 highway fund that is not required to be used for a purpose specified
13 by Section 7-a, Article VIII, Texas Constitution, and may not use
14 for that remittance money received by this state under the
15 congestion mitigation and air quality improvement program
16 established under 23 U.S.C. Section 149. The Texas Transportation
17 Commission may designate for congestion mitigation projects or for
18 deposit to the Texas rail relocation and improvement fund eligible
19 amounts retained in the state highway fund because the amounts were
20 not required to be remitted under this subsection on the condition
21 that the Texas Commission on Environmental Quality, after a public
22 hearing, finds that the use of the funds for those purposes will be
23 at least as effective as other eligible uses of those funds under
24 the Texas emissions reduction plan in maintaining or attaining
25 compliance with the federal Clean Air Act and notifies the Texas
26 Transportation Commission of that finding. Unless that condition
27 is met, the amounts shall be deposited to the credit of the Texas

1 emissions reduction plan fund. The Texas Commission on
2 Environmental Quality by rule shall adopt criteria for making the
3 finding required by this subsection.

4 (c-1) Money deposited to the Texas rail relocation and
5 improvement fund under Subsections (b-1) and (b-2) may be used to
6 fund an infrastructure project to reduce air pollution and relieve
7 congestion through rail relocation or improvement, including an
8 infrastructure project described by Section 386.109(a)(4), Health
9 and Safety Code.

10 SECTION 2. Section 501.138(b-3), Transportation Code, is
11 repealed.

12 SECTION 3. This Act takes effect September 1, 2013.