

By: Smith

H.B. No. 2499

Substitute the following for H.B. No. 2499:

By: Lewis

C.S.H.B. No. 2499

A BILL TO BE ENTITLED

AN ACT

relating to the use of Texas Emissions Reduction Plan funds for a
drayage truck incentive program.

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

SECTION 1. Section 386.051(b), Health and Safety Code, is
amended to read as follows:

(b) Under the plan, the commission and the comptroller shall
provide grants or other funding for:

(1) the diesel emissions reduction incentive program
established under Subchapter C, including for infrastructure
projects established under that subchapter;

(1-a) the drayage truck incentive program established
under Subchapter C-1;

(2) the motor vehicle purchase or lease incentive
program established under Subchapter D;

(3) the air quality research support program
established under Chapter 387;

(4) the clean school bus program established under
Chapter 390;

(5) the new technology implementation grant program
established under Chapter 391;

(6) the regional air monitoring program established
under Section 386.252(a) [~~386.252(a)(5)~~];

(7) a health effects study as provided by Section

1 386.252(a) [~~386.252(a)(7)~~];

2 (8) air quality planning activities as provided by
3 Section 386.252(a) [~~386.252(a)(8)~~]; [~~and~~]

4 (9) a contract with the Energy Systems Laboratory at
5 the Texas Engineering Experiment Station for computation of
6 creditable statewide emissions reductions as provided by Section
7 386.252(a);

8 (10) the clean fleet program established under Chapter
9 392;

10 (11) the alternative fueling facilities program; and

11 (12) the natural gas vehicle grants program and clean
12 transportation triangle program [~~386.252(a)(9)~~].

13 SECTION 2. Chapter 386, Health and Safety Code, is amended
14 by adding Subchapter C-1 to read as follows:

15 SUBCHAPTER C-1. DRAYAGE TRUCK INCENTIVE PROGRAM

16 Sec. 386.131. DEFINITIONS. In this subchapter:

17 (1) "Drayage activity" includes the use of a drayage
18 truck in an urban area for:

19 (A) the transport of goods within a seaport that
20 is located in the urban area;

21 (B) the pickup and delivery of goods to the
22 seaport from a separate location in the urban area;

23 (C) the pickup and delivery of goods from the
24 seaport to a separate location in the urban area; and

25 (D) any trips required to return the drayage
26 truck to its normal base within the urban area.

27 (2) "Drayage truck" means a heavy-duty on-road vehicle

1 or non-road terminal tractor that is used for drayage activities.

2 Sec. 386.132. COMMISSION DUTIES. (a) The commission shall
3 develop a purchase incentive program to encourage owners to replace
4 drayage trucks with newer drayage trucks and shall adopt rules
5 necessary to implement the program.

6 (b) Under the program, the commission may:

7 (1) implement a replacement program to reduce
8 emissions from the operation of drayage trucks used primarily for
9 drayage activities at seaports in nonattainment areas of this
10 state;

11 (2) require that a vehicle or equipment item acquired
12 under the program be a vehicle or equipment item best suited for
13 drayage activities, such as a daycab truck or vehicle or an
14 equipment item specifically designed for use as a terminal tractor;
15 and

16 (3) establish the minimum percentage of a year during
17 which the vehicle or equipment item must be operated within a
18 specified distance from the port facility, in order to promote
19 emissions reductions to be achieved primarily in the immediate
20 vicinity of the port facility.

21 (c) To the extent applicable, the commission may use rules,
22 guidelines, criteria, and requirements adopted to implement
23 programs under Subchapter C to implement the program established
24 under this subchapter.

25 (d) The commission may establish a maximum
26 cost-effectiveness amount greater than the amount established
27 under Sections 386.106 and 386.107.

1 (e) The commission shall include in the biennial plan report
2 required by Section 386.057(b) information on the drayage truck
3 incentive program.

4 SECTION 3. Section 386.252(a), Health and Safety Code, as
5 amended by Chapters 28 (S.B. 527), 589 (S.B. 20), and 892 (S.B.
6 385), Acts of the 82nd Legislature, Regular Session, 2011, is
7 reenacted and amended to read as follows:

8 (a) Money in the fund may be used only to implement and
9 administer programs established under the plan. Money appropriated
10 from the fund to the commission to be used for the programs
11 described by Section 386.051(b) [and the total appropriation] shall
12 be allocated as follows:

13 (1) not more than four percent may be used for the
14 clean school bus program under Chapter 390;

15 (2) not more than 10 percent may be used for on-road
16 diesel purchase or lease incentives under Section 386.112;

17 (3) a specified amount may be used for the new
18 technology implementation grant program under Chapter 391, from
19 which a defined amount may be set aside for electricity storage
20 projects related to renewable energy;

21 (4) five percent may [~~shall~~] be used only for the clean
22 fleet program under Chapter 392;

23 (5) [~~not more than \$7 million shall be allocated in~~
24 ~~2012 and 2013 and~~] not more than \$3 million may [~~shall~~] be used by
25 the commission [~~allocated in 2014 and in subsequent years~~] to fund a
26 regional air monitoring program in commission Regions 3 and 4 to be
27 implemented under the commission's oversight, including direction

1 regarding the type, number, location, and operation of, and data
2 validation practices for, monitors funded by the program through a
3 regional nonprofit entity located in North Texas having
4 representation from counties, municipalities, higher education
5 institutions, and private sector interests across the area;

6 (6) 16 percent may be used only for the Texas natural
7 gas vehicle grant program;

8 (7) not more than four percent may be used to provide
9 grants for natural gas fueling stations under the clean
10 transportation triangle program;

11 (8) not more than two percent may be used for the Texas
12 alternative fueling facilities program;

13 (9) a specified amount may be used ~~[is to be allocated]~~
14 each year to support research related to air quality as provided by
15 Chapter 387;

16 (10) not more than ~~[(7) up to]~~ \$200,000 may be used
17 ~~[is allocated]~~ for a health effects study;

18 (11) not more than ~~[(8) up to]~~ \$500,000 is to be
19 deposited in the state treasury to the credit of the clean air
20 account created under Section 382.0622 to supplement funding for
21 air quality planning activities in affected counties;

22 (12) ~~[(9)]~~ not more than \$216,000 may be used by ~~[is~~
23 ~~allocated to]~~ the commission to contract with the Energy Systems
24 Laboratory at the Texas Engineering Experiment Station annually for
25 the development and annual computation of creditable statewide
26 emissions reductions obtained through wind and other renewable
27 energy resources for the state implementation plan;

1 (13) not more than \$5,000,000 may be used for the
2 drayage truck incentive program under Subchapter C-1; and

3 (14) [~~(10) not more than \$3,400,000 is allocated to~~
4 ~~the commission for administrative costs incurred by the commission,~~

5 [~~(11) 1.5 percent of the money in the fund is allocated~~
6 ~~for administrative costs incurred by the laboratory; and~~

7 [~~(12)~~] the balance may be used by [is allocated to] the
8 commission only for the diesel emissions reduction incentive
9 program under Subchapter C.

10 SECTION 4. Section 386.252, Health and Safety Code, is
11 amended by adding Subsections (h) and (i) to read as follows:

12 (h) Not more than 1.5 percent of the money in the fund may be
13 used for administrative costs incurred by the laboratory for work
14 required under this chapter.

15 (i) Unless a specified amount is appropriated for
16 administrative costs, of the total appropriation to the commission
17 from the fund, not more than the greater of two percent or
18 \$3,400,000 may be used by the commission for administrative costs.

19 SECTION 5. To the extent of any conflict, this Act prevails
20 over another Act of the 83rd Legislature, Regular Session, 2013,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 6. This Act takes effect September 1, 2013.