

By: Burton

S.B. No. 385

A BILL TO BE ENTITLED

AN ACT

relating to voter approval of local acceptance and use of federal funds for passenger rail projects.

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

SECTION 1. The heading to Subtitle B, Title 5, Transportation Code, is amended to read as follows:

SUBTITLE B. STATE AND LOCAL RAIL FACILITIES

SECTION 2. Subtitle B, Title 5, Transportation Code, is amended by adding Chapter 92 to read as follows:

CHAPTER 92. LOCAL RAIL FACILITIES

Sec. 92.001. VOTER APPROVAL FOR ACCEPTANCE AND USE OF FEDERAL FUNDS FOR PASSENGER RAIL PROJECTS. (a) A political subdivision may not accept, including through the department, or use federal funds for the construction, maintenance, or operation of a commuter rail or other passenger rail project, including for the repayment of debt issued for a project, unless:

(1) the governing body of each municipality in which a station or track segment of the project is located or proposed to be located holds an election called for the purpose of authorizing the acceptance or use of the funds; and

(2) a majority of the votes cast at each election favor the adoption of the proposition.

(b) A political subdivision authorized to use federal funds for a project under Subsection (a) that has not begun to construct

1 the project before the fifth anniversary of the date of the election
2 may not use the funds unless:

3 (1) the governing body of each municipality in which a
4 station or track segment of the project is located or proposed to be
5 located holds an election called for the purpose of authorizing the
6 use of the funds; and

7 (2) a majority of the votes cast at each election favor
8 the adoption of the proposition.

9 (c) A political subdivision, a metropolitan planning
10 organization, or the department may not include in a transportation
11 plan adopted by the entity a commuter rail or other passenger rail
12 project that may be financed wholly or partly with federal funds
13 unless acceptance or use of federal funds has been approved as
14 required by this section.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.