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By:  Eckhardt S.B. No. 1311

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Transportation Electrification Council and the duties of that council.

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

SECTION 1.  Subtitle F, Title 4, Government Code, is amended by adding Chapter 490J to read as follows:

CHAPTER 490J. TEXAS TRANSPORTATION ELECTRIFICATION COUNCIL

Sec. 490J.001.  DEFINITION. In this chapter, "council" means the Texas Transportation Electrification Council established by this chapter.

Sec. 490J.002.  ESTABLISHMENT; COMPOSITION. (a) The Texas Transportation Electrification Council is established.

(b)  The council is composed of the chair of, or if not applicable, the administrative head of or a senior-level designee from, each of the following entities:

(1)  the Public Utility Commission of Texas;

(2)  the Electric Reliability Council of Texas;

(3)  the Texas Commission on Environmental Quality;

(4)  the State Energy Conservation Office;

(5)  the Texas Department of Licensing and Regulation;

(6)  the Texas Department of Transportation;

(7)  the Texas Department of Motor Vehicles;

(8)  the Texas Department of Housing and Community Affairs;

(9)  the Texas State Affordable Housing Corporation;

(10)  the Texas Division of Emergency Management; and

(11)  the Texas Economic Development and Tourism Office.

Sec. 490J.003.  PRESIDING OFFICER; MEETINGS. (a) The council annually shall elect one member to serve as the presiding officer of the council.

(a-1)  The executive director of the Texas Department of Transportation shall serve as the initial presiding officer of the council. This subsection expires September 1, 2025.

(b)  The council shall hold at least four public meetings each year.

Sec. 490J.004.  ADMINISTRATIVE ATTACHMENT; FUNDING. (a) The council is administratively attached to the Texas Department of Transportation.

(b)  The council shall be funded using existing funds of the Texas Department of Transportation.

Sec. 490J.0045.  ELECTRIC VEHICLE CHARGING INFRASTRUCTURE ASSESSMENT. (a) Not later than March 1, 2024, the council shall prepare an assessment of existing and planned public electric vehicle charging infrastructure and associated technologies in this state using existing databases. The assessment must include the number and types of electric vehicle chargers at each location.

(b)  The council shall use the assessment in developing the plan required by Section 490J.005.

(c)  This section expires September 1, 2027.

Sec. 490J.005.  ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PLAN. (a) The council shall:

(1)  develop a comprehensive plan for the development of public electric vehicle charging infrastructure and associated technologies in this state through the year 2040; and

(2)  update the plan biennially.

(b)  The plan must:

(1)  include a phased implementation of the plan, in biennial increments, through the year 2040;

(2)  identify areas in this state for which additional public electric vehicle charging infrastructure is needed to ensure that the vehicle choice of residents of this state is not constrained by a lack of access to adequate public electric vehicle charging infrastructure;

(3)  provide for sufficient public electric vehicle charging infrastructure to meet and enable future demand for electric vehicles in this state that:

(A)  ensures that adequate public electric vehicle charging infrastructure is available:

(i)  with sufficient frequency and capacity to enable users of electric vehicles of various classes to travel border to border and community to community on interstate highways and other major roadways in this state;

(ii)  along evacuation routes; and

(iii)  in rural communities, multifamily and underserved communities, town centers, commercial and retail areas, parks and other publicly owned lands, and other areas that are in proximity to where local electric vehicle users live or work;

(B)  is safe, dependable, serviceable, and operational;

(C)  maximizes the benefits associated with transportation electrification;

(D)  enhances commerce by ensuring an adequate distribution of public electric vehicle charging infrastructure is available throughout the state to stimulate lower cost and lower emissions from heavy duty trucking and delivery services;

(E)  ensures adequate public electric vehicle charging capacity to facilitate commerce:

(i)  at or near the borders of this state;

(ii)  in or near airports, rail yards, and seaports; and

(iii)  at warehouse complexes and truck stops;

(F)  enhances accessibility of tourist areas to electric vehicle users; and

(G)  covers any other areas identified by the council;

(4)  stimulate competition, innovation, and consumer choice in public electric vehicle charging and related infrastructure and services and encourage private capital investment;

(5)  specify the number and types of electric vehicle chargers per general location that are needed to meet the requirements prescribed by Subdivisions (2), (3), and (4);

(6)  examine vehicle and charging infrastructure changes necessary to provide demand response functions and two-way electricity flow capability in order to allow vehicle-to-grid integration for cost savings, grid reliability, and resiliency; and

(7)  provide for electric transportation corridors in and along Texas Department of Transportation rights-of-way that include the infrastructure needed for vehicle electrification, such as:

(A)  advanced sensor networks for traffic;

(B)  intelligent transportation services;

(C)  connected vehicle applications; and

(D)  improvements to energy infrastructure needed to provide adequate vehicle charging.

(c)  In developing and updating the plan, the council:

(1)  shall use, to the extent practicable, publicly available electric vehicle projections and models based on industry standards to determine, for each year, the percentage and number of electric vehicles by vehicle class that are expected on roadways in this state and the number of electric vehicle chargers that are needed to ensure that there is comprehensive and adequate access to public electric vehicle charging infrastructure in this state; and

(2)  may rely on scenarios provided by the Electric Reliability Council of Texas or other information from appropriate sources for the percentage and number of electric vehicles by vehicle class on roadways in this state by year.

Sec. 490J.0055.  STUDY ON ALTERNATIVELY FUELED VEHICLE MILEAGE PROGRAM. (a) The council shall conduct a study on the feasibility of implementing a program that imposes an additional fee at the time of registration of an alternatively fueled vehicle based on the annual mileage traveled by the vehicle.

(b)  The study must contain an analysis of the economic impacts of alternatively fueled vehicles on the state highway fund, including an assessment of:

(1)  the number of alternatively fueled vehicles registered in the state, including future projections on the number of those vehicles;

(2)  the revenue lost from taxes imposed under Chapter 162, Tax Code, that an operator of an alternatively fueled vehicle registered in this state would have paid if the vehicle operated solely on gasoline or diesel fuel; and

(3)  the amount of and method for calculating the additional fee described by Subsection (a), the estimated revenue collected from the fee, and the impact of inflation on the fee.

(c)  Not later than December 1, 2024, the council shall:

(1)  prepare a written report that includes a summary of the results of the study conducted under this section and any legislative recommendations based on the study; and

(2)  include the report prepared under Subdivision (1) in the initial report submitted under Section 490J.0085.

(d)  This section expires September 1, 2027.

Sec. 490J.006.  STATE AGENCY POLICY RECOMMENDATIONS. The council shall develop policy recommendations that state agencies may adopt to encourage the development of an adequate network of public electric vehicle charging infrastructure and associated technologies to meet the future electrified transportation needs in this state through the year 2040.

Sec. 490J.007.  STAKEHOLDER INPUT. In performing the council's duties under this chapter, the council shall seek advice and input from:

(1)  privately owned electric utilities;

(2)  municipally owned electric utilities;

(3)  electric cooperatives;

(4)  state and local transportation and transit agencies;

(5)  port authorities;

(6)  warehousing and logistics centers;

(7)  electric vehicle charging infrastructure companies;

(8)  environmental groups;

(9)  consumer advocates;

(10)  motor vehicle manufacturers;

(11)  nonprofit organizations developing electric vehicle policy;

(12)  nonprofit organizations representing food or motor fuel providers;

(13)  apartment associations;

(14)  low-income community development corporations;

(15)  nonprofit organizations that represent utilities, electric vehicle manufacturers, and charging companies; and

(16)  interested members of the public.

Sec. 490J.008.  AUTHORITY TO CONTRACT AND CONSULT WITH CERTAIN PERSONS. In performing the council's duties under this chapter, the council may:

(1)  contract with experts, academic scholars, and other appropriate professionals; and

(2)  consult with the Texas A&M Transportation Institute and institutions of higher education.

Sec. 490J.0085.  INITIAL REPORT. (a) Not later than December 1, 2024, the council shall prepare and submit to the governor, the lieutenant governor, each member of the legislature, and relevant state and federal agencies a written report of the council's findings that includes:

(1)  the assessment prepared under Section 490J.0045;

(2)  the plan developed under Section 490J.005, including the phased implementation of the plan required by Subsection (b)(1) of that section;

(3)  the report prepared under Section 490J.0055; and

(4)  the policy recommendations developed under Section 490J.006.

(b)  This section expires September 1, 2027.

Sec. 490J.009.  BIENNIAL REPORT. Not later than December 1 of each even-numbered year, the council shall prepare and submit to the governor, the lieutenant governor, each member of the legislature, and relevant state and federal agencies a written report that includes:

(1)  a summary of the progress made on the implementation of the plan developed under Section 490J.005;

(2)  the biennial update to the plan required under Section 490J.005(a)(2); and

(3)  any updates to the policy recommendations developed under Section 490J.006.

Sec. 490J.010.  EXPIRATION. This chapter expires and the council is abolished January 1, 2033.

SECTION 2.  The Texas Transportation Electrification Council shall submit its first report under Section 490J.009, Government Code, as added by this Act, not later than December 1, 2026.

SECTION 3.  This Act takes effect January 1, 2024.