

A BILL TO BE ENTITLED

AN ACT

relating to local options regarding transportation and mobility improvement projects 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 446 to read as follows:

CHAPTER 446. LOCAL OPTIONS FOR TRANSPORTATION PROJECTS

Sec. 446.001. SHORT TITLE. This chapter may be cited as the Texas Local Option Transportation Act.

Sec. 446.002. 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. 446.003. APPLICABILITY OF CHAPTER. This chapter applies only to a county:

(1) that is located in a region served by a metropolitan planning organization that serves two adjacent counties that each have a population of one million or more; and

(2) for which a regional mobility authority has been created under Chapter 370, Transportation Code, and in which the principal municipality has a population of more than 600,000.

Sec. 446.004. REDUCTION PROHIBITED. (a) A county may not be penalized with a reduction in traditional transportation funding

1 because of the imposition of a method of local option funding under  
2 this chapter.

3 (b) The department may not reduce any allocation of  
4 traditional transportation funding to any of its districts because  
5 a district contains a county that imposes a method of local option  
6 funding under this chapter.

7 Sec. 446.005. CALLING OF ELECTION. (a) The commissioners  
8 court of a county by order may call an election on the issue of  
9 authorizing one or more methods under Section 446.008 for one or  
10 more mobility or transportation improvement projects located in the  
11 county, including passenger rail, transit, roadway, and freight  
12 rail projects.

13 (b) The commissioners court shall call an election on the  
14 issue described by Subsection (a) on receipt of:

15 (1) a resolution requesting that the election be  
16 called adopted by the governing bodies of at least two  
17 municipalities that:

18 (A) are located partially or completely in the  
19 county; and

20 (B) contain at least 60 percent of the county's  
21 total population; or

22 (2) a petition requesting that the election be called  
23 signed by a number of registered voters of the county equal to at  
24 least 10 percent of the total number of votes cast in the county for  
25 all candidates for governor in the most recent gubernatorial  
26 general election.

27 (c) The commissioners court may adopt an order under this

1 section only after holding a public hearing on the issue.

2 Sec. 446.006. ELECTION AND BALLOT LANGUAGE. (a) An order  
3 under Section 446.005 calling an election must:

4 (1) specify each proposed method authorized by this  
5 chapter that the county intends to use to fund a mobility or  
6 transportation improvement project;

7 (2) for each specified method, list the proposed rate  
8 or amount of the method to be used to fund capital construction of a  
9 mobility or transportation improvement project and, if applicable,  
10 a separate and corresponding proposed rate or amount for  
11 maintenance and operation of the project;

12 (3) list and generally describe the proposed mobility  
13 or transportation improvement project to be constructed with each  
14 specified method;

15 (4) list the estimated cost of and completion date for  
16 the capital construction of each proposed mobility or  
17 transportation improvement project;

18 (5) if more than one mobility or transportation  
19 improvement project is proposed, specify the sequence and order in  
20 which the projects will be initiated and completed; and

21 (6) list the date on which the proposed rate or amount  
22 for the capital construction of a mobility or transportation  
23 improvement project is expected to expire.

24 (b) The ballot at an election held under this section must  
25 be printed to permit voting for or against the proposition:

26 "Authorizing \_\_\_\_\_ (insert name of county) to \_\_\_\_\_ (insert a  
27 general and brief description of each proposed mobility or

1 transportation improvement project) and to impose a \_\_\_\_\_  
 2 (insert each method of funding proposed for capital construction)  
 3 at the rate or amount of \_\_\_\_\_ (insert each proposed rate or  
 4 amount individually) for the purpose of financing the construction  
 5 of the project and to impose a \_\_\_\_\_ (insert each method of  
 6 funding proposed to be used exclusively for maintenance and  
 7 operation, if applicable) at the rate or amount of \_\_\_\_\_ (insert  
 8 proposed rate or amount) for the continuing maintenance and  
 9 operation of the project. Construction of the project is estimated  
 10 to be completed by the year \_\_\_\_\_ and the \_\_\_\_\_ (insert each  
 11 method of funding proposed for capital construction) is expected to  
 12 expire in the year \_\_\_\_\_ (list the year any bonds are expected  
 13 to be retired)". (If more than one project is proposed on the  
 14 ballot, insert name of the project to be completed first)\_\_\_\_\_  
 15 will be completed first, followed by \_\_\_\_\_ (insert name of  
 16 project to be completed next until all projects listed on the ballot  
 17 are listed in the order in which they will be completed).

18 (c) Section 334.025 applies to an election called under  
 19 Section 446.005.

20 (d) An election called under Section 446.005 must be held on  
 21 a uniform election date in May or November or on a general primary  
 22 election date in March.

23 (e) Notwithstanding Section 446.005, the commissioners  
 24 court of a county may not call an election under that section within  
 25 12 months of an election previously called under that section.

26 Sec. 446.007. PROJECT SELECTION; POLITICAL SUBDIVISION  
 27 EQUITY. (a) Except as provided by Subsection (b), the

1 commissioners court of a county shall determine each mobility or  
2 transportation improvement project to be funded by a method  
3 authorized by this chapter.

4 (b) The commissioners court may fund a mobility or  
5 transportation improvement project under this chapter only if the  
6 project is determined to be necessary and appropriate by the  
7 metropolitan planning organization for the region in which the  
8 county is located. The commissioners court shall use best efforts  
9 to ensure that each project selected for inclusion on a ballot  
10 benefits contributing political subdivisions in approximate  
11 proportion to the amount of revenue collected from each method of  
12 local option funding in the political subdivision.

13 Sec. 446.008. METHOD OF FUNDING. (a) A proposition placed  
14 on a ballot under Section 446.006 may include any combination of the  
15 following methods of funding:

16 (1) a county tax on the sale of motor vehicle fuel, at  
17 a rate not to exceed 10 cents per gallon and as annually adjusted  
18 under Section 446.013;

19 (2) a local option mobility improvement fee, in an  
20 amount not to exceed \$60;

21 (3) a parking regulation and management fee in the  
22 amount of \$1 per hour per vehicle use of a parking space;

23 (4) an annual motor vehicle emissions fee based on the  
24 amount of pollutants released by a vehicle, not to exceed \$15;

25 (5) a fee for the renewal of a driver's license issued  
26 to a county resident equal to the amount of the renewal fee of the  
27 license under Section 521.421, Transportation Code; and

1           (6) a new resident roadway impact fee, in an amount not  
2 to exceed \$250.

3           (b) Chapter 395 does not apply to a fee imposed under  
4 Subsection (a).

5           (c) The local option mobility improvement fee authorized by  
6 Subsection (a)(2) shall be imposed on each person registering a  
7 motor vehicle in the county other than a person who initially  
8 registers a vehicle after acquiring the vehicle.

9           (d) The new resident roadway impact fee authorized by  
10 Subsection (a)(6) shall be imposed on each person registering a  
11 motor vehicle previously registered in another state or country and  
12 be collected at the time of registration.

13           Sec. 446.009. IMPOSITION OF METHOD OF LOCAL OPTION FUNDING;  
14 LOW-INCOME RELIEF. (a) If a majority of the votes cast in an  
15 election held under this chapter approve any method or combination  
16 of methods of local option funding under this chapter, the  
17 commissioners court of the county by order shall impose and begin  
18 the collection of the approved method or methods of funding before  
19 the 91st day after the election date.

20           (b) At a minimum, the order imposing the method or methods  
21 of local option funding shall specify:

22                   (1) the rate or amount of the method or methods  
23 approved at the election; and

24                   (2) the manner in which each method will be  
25 administered, collected, and enforced.

26           (c) A county may not impose a method of local option funding  
27 after bonds or other obligations are paid in full.

1       (d) Section 502.108, Transportation Code, does not apply to  
2 money collected under this chapter.

3       (e) For any method authorized by this chapter, the  
4 commissioners court, after conducting a public hearing, may by  
5 order establish an exemption, waiver, or partial reduction for  
6 individuals of low or moderate income who demonstrate significant  
7 financial hardship.

8       (f) A county may impose and collect a method approved at an  
9 election held under this chapter and may enter into a contract or  
10 interlocal agreement to implement the imposition or collection.

11       Sec. 446.010. LOCAL OPTION TRANSPORTATION FUND. (a) A  
12 county in which a method of local option funding authorized by this  
13 chapter is imposed by order shall establish a local option  
14 transportation fund.

15       (b) The county shall deposit in the fund the proceeds of any  
16 method imposed by the county under this chapter and any other money  
17 required by law to be deposited in the fund.

18       (c) The county shall establish a separate account in the  
19 fund for each method imposed for a mobility or transportation  
20 improvement project and, if applicable, a separate account for  
21 money to be used to fund maintenance and operations of the project.

22       (d) Money in the fund is the property of the county  
23 depositing the money and may be spent only on mobility or  
24 transportation improvement projects located in the county, except  
25 that the commissioners court of a county by order may authorize  
26 money to be spent on a project located outside the county, including  
27 a project located on or that serves an airport, if the court

1 determines that the project benefits the region and selects the  
2 project under Section 446.007.

3 Sec. 446.011. USE OF MONEY IN FUND. (a) A county may use  
4 money in the local option transportation fund to:

5 (1) reimburse or pay the costs of planning, acquiring,  
6 establishing, developing, constructing, or renovating a mobility  
7 or transportation improvement project for which a method of local  
8 option funding was imposed under this chapter;

9 (2) pay the principal of, interest on, or other costs  
10 relating to bonds or other obligations issued by the county or to  
11 refund bonds, notes, or other obligations issued by a transit or  
12 transportation authority created or operating under Chapter 451,  
13 452, or 460, Transportation Code, for a mobility or transportation  
14 improvement project for which a method of local option funding was  
15 imposed under this chapter;

16 (3) refund the costs of operating or maintaining a  
17 mobility or transportation improvement project for which a method  
18 of local option funding was imposed under this chapter operated by a  
19 transit or transportation authority created or operating under  
20 Chapter 451, 452, or 460, Transportation Code; or

21 (4) enter into a contract or an interlocal agreement  
22 with a person, including a transportation authority or  
23 transportation provider, to:

24 (A) provide mobility services for a project for  
25 which a method was imposed under this chapter, including passenger  
26 rail facilities and services; and

27 (B) implement transportation projects, including



1 roadways, for which a method was imposed under this chapter.

2 (b) The bonds or other obligations and the proceedings  
3 authorizing the bonds or other obligations shall be submitted to  
4 the attorney general for review and approval as required by Chapter  
5 1202, Government Code.

6 (c) The bonds or other obligations must be payable from and  
7 secured by the money in the local option transportation fund.

8 (d) The bonds or other obligations may mature serially or  
9 otherwise not more than 30 years from the date of issuance.

10 (e) The bonds or other obligations are not a debt of and do  
11 not create a claim for payment against the revenue or property of  
12 the county other than the revenue sources pledged in connection  
13 with a mobility or transportation improvement project for which the  
14 bonds are issued.

15 Sec. 446.012. TRANSIT OR TRANSPORTATION AUTHORITY SERVICES  
16 NOT AUTHORIZED. (a) A county, acting under this chapter, may not  
17 directly operate or provide passenger rail services or any service  
18 expressly reserved by a transit or transportation authority created  
19 or operating under Chapter 451, 452, or 460, Transportation Code,  
20 that serves the county.

21 (b) This chapter does not authorize the creation of a  
22 transit or transportation authority.

23 Sec. 446.013. ANNUAL RATE CHANGE ACCORDING TO PRODUCER  
24 PRICE INDEX. (a) In this section:

25 (1) "Producer price index" means the producer price  
26 index for highway and street construction published by the United  
27 States Department of Labor.

1           (2) "Producer price index percentage change" means the  
2 percentage increase or decrease, not to exceed five percent, in the  
3 producer price index of a given state fiscal year from the producer  
4 price index of the preceding state fiscal year.

5           (b) On October 1 of each year, the rate of the tax imposed  
6 under Section 446.008(a)(1) is increased or decreased by an amount  
7 that is equal to the producer price index percentage change for the  
8 preceding fiscal year multiplied by the rate of the tax on August 1  
9 of that year.

10           SECTION 2. Section 502.003(a), Transportation Code, is  
11 amended to read as follows:

12           (a) Except as provided by Subsection (b) and by Chapter 446,  
13 Local Government Code, a political subdivision of this state may  
14 not require an owner of a motor vehicle to:

- 15                   (1) register the vehicle;
- 16                   (2) pay a motor vehicle registration fee; or
- 17                   (3) pay an occupation tax or license fee in connection  
18 with a motor vehicle.

19           SECTION 3. This Act takes effect January 1, 2010.