

BILL ANALYSIS

Senate Research Center
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S.B. 1624
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Transportation & Homeland Security
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

A recent study of the freight rail system in Harris County and its surrounding counties identified more than 750 public at-grade crossings in the area. According to the study, these crossings are causing over 30,000 vehicle-hours of delay per day. The study identified several projects that could be pursued to help address this situation. However, there is no statutory authority for populous counties to form a freight rail district.

As proposed, S.B. 1624 creates a new chapter in the Transportation Code that authorizes the creation of a freight rail district containing Harris County and its surrounding counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Sets forth certain findings of the legislature.

SECTION 2. Amends Title 5, Transportation Code, by adding Subtitle I, as follows:

SUBTITLE I. SPECIAL DISTRICTS

CHAPTER 171. FREIGHT RAIL DISTRICTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 171.001. DEFINITIONS. Defines "board," "bonds," "rail facilities," "revenues," "district," and "principal municipality."

Sec. 171.002. APPLICABILITY OF RURAL RAIL TRANSPORTATION DISTRICTS LAW. (a) Provides that, except as provided by this chapter, Chapter 623, Acts of the 67th Legislature, Regular Session, 1981 (Article 6550c, V.T.C.S.), applies to the district as if the district was created under that chapter.

(b) Defines "eligible county."

[Reserves Sections 171.003.171.050 for expansion.]

SUBCHAPTER B. CREATION

Sec. 171.051. APPLICABILITY TO CERTAIN COUNTIES. Authorizes a freight rail district (district) to be created only in a county with a population of 3.3 million or more and counties adjacent to such a county.

Sec. 171.052. CREATION BY COUNTIES AND MUNICIPALITIES. Authorizes the governing bodies of one or more counties and a principal municipality to by concurrent order or orders and by concurrent ordinance create a district. Requires a district to include certain entities.

Sec. 171.053. DISTRICT TERRITORY. Provides that the district consists of the territory of each county that created the district and the principal municipality, if located in more than one county.

[Reserves Sections 171.054-171.100 for expansion.]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 171.101. COMPOSITION OF BOARD. Requires the concurrent order or orders and concurrent ordinance creating the district to specify the number of directors for the district and who appoints the directors, except as otherwise provided in Section 171.103 and Section 171.104.

Sec. 171.102. PRESIDING OFFICER. Requires the concurrent order or orders and concurrent ordinance creating the district to specify who is required to serve as presiding officer of the board.

Sec. 171.103. NAVIGATION DISTRICT. Requires, if the most populous county in the district contains a countywide navigation district and the presiding officer of the navigation district is jointly appointed by the county and the principal municipality, one of the directors appointed the most populous county in the district to be the presiding officer of the navigation district. Provides that the common law doctrine of incompatibility does not apply to a director who serves under this section.

Sec. 171.104. DEPARTMENT OF TRANSPORTATION. Authorizes the Texas Transportation Commission (TTC) to appoint a representative to serve as an ex officio member of the board of the District.

Sec. 171.105. CONFLICT OF INTEREST. Provides that Chapter 171 (Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments), Local Government Code, governs conflicts of interest for directors.

[Reserves Sections 171.106-171.150 for expansion.]

SUBCHAPTER D. POWERS AND DUTIES

Sec. 171.151. GENERAL POWERS. Authorizes a district to study, evaluate, design, finance, acquire, construct, maintain, repair, and operate a system of consolidated, improved, freight rail lines and other transportation projects.

Sec. 171.152. FREIGHT RAIL SYSTEM. (a) Authorizes a district to plan, acquire, construct, complete, develop, finance, maintain, improve, own, and operate a new or existing system of certain freight rail facilities.

(b) Authorizes a district, for a freight rail system created or operated under this section, to exercise the transportation project powers of a regional mobility authority under Chapter 370.

Sec. 171.153. GENERAL CONTRACT POWERS. Authorizes a district to contract with certain entities.

Sec. 171.154. CONTRACT FOR GOODS OR SERVICES. Authorizes a district to contract with a county or any other political subdivision of this state for the district to provide goods or services to an area outside the boundaries of the district on any conditions agreed to by the parties.

Sec. 171.155. EXERCISE OF POWERS IN OTHER COUNTIES. Authorizes the commissioners court of a county that is not in the district to authorize the district to exercise its powers in the county.

[Reserves Sections 171.156-171.200 for expansion.]

SUBCHAPTER E. FINANCIAL PROVISIONS

Sec. 171.201. PLEDGE OF REVENUES. Authorizes a district to secure and pledge revenues derived from any source to secure the payment of district bonds.

Sec. 171.202. PURCHASE CONTRACTS. Provides that Subchapter C, Chapter 60, Water Code, as added by Chapter 307, Acts of the 78th Legislature, Regular Session, 2003, applies to the district as if the district were a navigation district under that subchapter. Defines "commission."

Sec. 171.203. AD VALOREM TAX PROHIBITED. Prohibits a district from imposing an ad valorem tax.

[Reserves Sections 171.204-171.250 for expansion.]

SUBCHAPTER F. WITHDRAWAL; DISSOLUTION

Sec. 171.251. WITHDRAWAL. Authorizes a county or municipality that created the district to petition the board for approval to withdraw from the district. Authorizes the board to approve the petition only if certain conditions are satisfied.

Sec. 171.252. DISSOLUTION. Authorizes the district's board of directors, in addition to the dissolution procedures provided by Chapter 623, Acts of the 67th Legislature, Regular Session, 1981 (Article 6550c, V.T.C.S.), to dissolve a district if certain conditions are satisfied.

[Reserves Sections 171.253-171.260 for expansion.]

SUBCHAPTER G. COMMUTER RAIL

Sec. 171.261. APPLICABILITY OF INTERMUNICIPAL COMMUTER RAIL DISTRICTS LAW. Authorizes a district, if the concurrent order or orders and concurrent ordinance creating the district expressly so provide, to exercise the powers of a district under Chapter 381, Acts of the 75th Legislature, Regular Session 1997 (Article 6550c-1, V.T.C.S.), in addition to the other powers as provided in this chapter.

[Reserves Sections 171.262-171.270 for expansion.]

SECTION 3. Effective date: upon passage or September 1, 2005.