

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1923
By: Watson, Davis, Wendy
Transportation & Homeland Security
3/31/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Voters approved creation of the Rail Relocation and Improvement Fund in 2005. However, the fund has never been funded to any meaningful degree, which prevents Texas from making significant strides in moving potentially hazardous trains out of our central cities, shifting trucks off of our highways, opening up the state's clogged commercial lines, and freeing existing or new rail to be used for transit.

C.S.S.B. 1923 sets forth various reporting requirements and creates a legislatively appointed Rail Relocation Advisory Group consisting of railroad industry stakeholders appointed by the chairs of the Senate and House transportation committees. The group will advise the Texas Department of Transportation (TxDOT) on strategies and administration of the program. C.S.S.B. 1923 transfers certain transportation funding streams from the state highway fund and dedicates them to the rail relocation and improvement fund. The bill cannot take effect unless the comptroller of public accounts certifies that funding for road construction and maintenance will be at a higher level for the 2010-2011 biennium than for the 2008-2009 biennium.

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. Amends Section 201.971, Transportation Code, by adding Subdivision (6-a) to define "program."

SECTION 2. Amends Subchapter O, Chapter 201, Transportation Code, by adding Section 201.979, as follows:

Sec. 201.979. RAIL RELOCATION ADVISORY GROUP. (a) Provides that the rail relocation advisory group (advisory group) is created to advise the Texas Department of Transportation (TxDOT) on the implementation and administration of the program.

(b) Provides that the advisory group consists of stakeholders in the railroad industry, appointed by the chair of the Senate Committee on Transportation and Homeland Security and by the chair of the House Committee on Transportation. Requires the chairs to determine the number of members appropriate to accomplishing the duties of the advisory group.

(c) Provides that the advisory group meets at the call of the chairs and requires the advisory group to advise the TxDOT on the best use of money available in the fund and on accomplishing the goals of the program, including strategies for alleviating traffic congestion; improving passenger and freight mobility; reducing noise in residential areas; and mitigating adverse effects on the environment.

(d) Requires TxDOT to provide administrative support, including staff, as necessary to assist the advisory group in accomplishing its duties.

(e) Provides that a member of the advisory group is not entitled to compensation for service on the committee but is entitled to reimbursement of travel expenses

incurred by the member while conducting the business of the advisory group, as provided by the General Appropriations Act.

SECTION 3. Amends Section 501.097(d), Transportation Code, to require that the fee collected under Subsection (a)(1) (relating to the requirement that an application for a nonrepairable vehicle title or salvage title be made on a form prescribed by TxDOT and accompanied by a \$8 application fee) be credited to the Texas rail relocation and improvement fund, rather than to the state highway fund to defray the costs of administering this subchapter and the costs to TxDOT for issuing the title.

SECTION 4. Amends Section 501.100(e), Transportation Code, to require that TxDOT, on or after the 31st day after the date TxDOT receives a rebuilder fee under Subsection (d) (relating to a \$65 rebuilder fee), to deposit \$50 of the fee to the credit of the Texas rail relocation and improvement fund, rather than to the state highway fund to be used only by DPS to enforce this chapter and \$15 to the credit of the general revenue fund.

SECTION 5. Amends Section 501.134(a), Transportation Code, to make a conforming change.

SECTION 6. Amends Section 501.138(c), Transportation Code, to require TxDOT, of the amount received under Subsection (b)(2) (relating to a requirement for the county assessor-collector to send \$8 of the fee to TxDOT with certain other information), deposit \$5 in the general revenue fund; and \$3 to the credit of the Texas rail relocation and improvement fund, rather than to the state highway fund to recover the expenses necessary to administer this chapter.

SECTION 7. Amends Section 502.008, Transportation Code, by adding Subsection (e), to require that any fees collected by TxDOT for responding to an inquiry under this section be deposited to the credit of the Texas rail relocation improvement fund.

SECTION 8. Amends Section 502.179(b), Transportation Code, to require the fee, if TxDOT issued the receipt, to be deposited in the Texas rail relocation and improvement fund.

SECTION 9. Amends Section 503.007(d), Transportation Code, to make a conforming change.

SECTION 10. Amends Section 503.008(d), Transportation Code, to make a conforming change.

SECTION 11. Amends Section 503.0615(f), Transportation Code, to make a conforming change.

SECTION 12. Amends Section 621.353(a), to delete existing text authorizing money deposited to the credit of that fund under this subsection to be appropriated only to TxDOT to administer this section and sections 623.011 (Permit for Excess Axle or Gross Weight), 623.0111 (Additional Fee for Operation of Vehicle Under Permit), and 623.0112 (Additional Administrative Fee). Makes a conforming change.

SECTION 13. Amends Section 623.0111(c), Transportation Code, to make a conforming change.

SECTION 14. Amends Sections 623.076(a-1) and (c), Transportation Code, to make conforming changes.

SECTION 15. Amends Section 623.077(b), Transportation Code, make a conforming change.

SECTION 16. Amends Section 623.096(a), Transportation Code, to make a conforming change.

SECTION 17. Amends Section 623.124(b), Transportation Code, to make a conforming change.

SECTION 18. Amends Section 623.147, Transportation Code, as follows:

Sec. 623.147. New heading: DEPOSIT OF FEE IN TEXAS RAIL RELOCATION AND IMPROVEMENT FUND. Makes a conforming change.

SECTION 19. Amends Section 2301.156, Occupations Code, to make a conforming change.

SECTION 20. Amends Section 2301.264(d), Occupations Code, to authorize the director of the Motor Vehicle Division of TxDOT (board) to refund from funds appropriated under Section 2301.156 (Deposit of Revenue), rather than from funds appropriated to the board for that purpose, a fee collected under this chapter that is not due or that exceeds the amount due.

SECTION 21. Requires TxDOT not later than the 60th day after the effective date of this Act, to report to the Legislative Budget Board and the Governor's Office of Budget and Planning on the availability of funds under federal matching programs for the rail relocation program under Subchapter O, Chapter 201, Transportation Code, as amended by this Act, and on how to secure such funds for financing the program.

SECTION 22. Requires TxDOT, not later than January 1, 2011, to submit a comprehensive report to the governor, to the chair of the Senate Committee on Transportation and Homeland Security, and to the chair of the House Committee on Transportation regarding the progress of the rail relocation program under Subchapter O, Chapter 201, Transportation Code, as amended by this Act, and the status of program financing including certain information.

SECTION 23. Requires TxDOT, in coordination with the comptroller of public accounts (comptroller), to produce recommendations for supplemental revenue sources for the Texas rail relocation and improvement fund for consideration by the 82nd Legislature.

SECTION 24. Effective date: September 1, 2009, if the comptroller files a certification with the secretary of state that the net impact of revenue measures enacted, including this Act, on State Highway Fund No. 0006; as a gain, any reduction in the appropriations from State Highway Fund No. 0006 made to agencies other than TxDOT; and as a loss, any reduction in the appropriations to TxDOT from the general revenue fund, enacted by the 81st Legislature result in a net gain in the 2010-2011 fiscal biennium as compared to the 2008-2009 fiscal biennium.

- (b) Provides that if the comptroller does not file the certification described by Subsection (a) of this section, this Act has no effect.