

Final Draft – Regional Transportation Council Legislative Program 82nd Texas Legislature

Legislation to Support

Make modifications to the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Retirement Program (LIRAP), also known as the AirCheckTexas Drive a Clean Machine Program:

- Allow metropolitan planning organizations serving as regional administrators for LIRAP the ability to utilize actual indirect rates approved by their State Single Audit Coordinating Agency or Cognizant Agency as outlined in the Uniform Grant Management Standards (UGMS);
- Modify vehicle-replacement assistance so that all Tier 2 Bin 3 or cleaner vehicles, current model year or up to three model years old, are eligible for the \$3,500 incentive;
- Change the vehicle registration requirement so qualifying vehicles must be registered in a participating county for 12 out of the 15 months preceding application to the program;
- Limit mileage on a replacement vehicle to no more than 60,000 miles;
- Increase the maximum sales price for replacement vehicles to \$35,000; and,
- Maintain current funding amounts for LIRAP.

Strengthen regulations related to emissions inspections:

- Require proof of emissions inspection for vehicle registration, transfer, or re-registration;
- Strengthen penalties for conducting improper inspections;
- Enhance requirements and testing for becoming a state emissions inspector or station;
- Require emissions testing on all 1997 and newer On-Board Diagnostic (OBD) II compliant diesel vehicles;
- Authorize and fund, through increased fees, Regional Emissions Task Forces;
- Implement changes to the State's inspection analyzer software to prevent inspectors from conducting improper inspections;
- Require removal of any emissions inspection certificate from a vehicle before it is sent to auction;
- Allow any peace officer to verify and/or enforce emissions compliance of any vehicle offered for sale to the public on any car lot in an affected and participating county;
- Allow Class B and Class C Misdemeanors in Transportation Code Chapter 548 to be heard by either a District Court or any Justice of the Peace; and,
- Increase total Local Initiative Projects funding to account for new counties designated as nonattainment to ensure sufficient funding is available for project implementation.

Enhance the Texas Emissions Reduction Plan (TERP):

- Fully fund TERP by appropriating all revenue collected under this program;
- Maintain nitrogen oxide (NO_x) emission reductions as the primary focus of TERP funding, with other pollutants, such as particulate matter (PM), as a secondary focus;
- Change "cost-effectiveness" to "cost-per-ton" when quantifying emissions reduction incentives;
- Allow funding eligibility for on-site idle reduction projects (i.e. TSE) and on-board idle reduction activity (i.e., APUs) in all TERP-eligible counties regardless of idling restriction adoption status;
- Incorporate emission reductions achieved during intrastate travel, particularly usage on highways between Texas nonattainment and near nonattainment areas, in total tons of NO_x reduced when determining project cost-effectiveness and eligible award amount;
- To incentivize retrofit projects: 1) allow incentives to exceed 100 percent of the incremental cost; and 2) allow funding for increased maintenance and operations costs;
- Activate and fund the Light-Duty Motor Vehicle Purchase or Lease Incentive Program with a modification to include "SmartWay-certified" vehicles;
- Require that grant-funded equipment is equipped with reasonably available control technology (RACT);
- Expand the scope of the Texas Clean Fleet Program to include replacement of non-road equipment with hybrid or alternatively fueled non-road equipment;
- Increase the proportion of TERP funds allocated to the Texas Clean Fleet Program; and,

- Ensure that the majority of funding goes to reduce emissions from sources whose operators pay into the TERP program, as currently some sources are significantly benefitted by the program without being assessed any TERP fees.

Require auto insurance companies to offer a mileage-based insurance option to Texas drivers.

Modify the Locally Enforced Motor Vehicle Idling Limitations:

- Extend the TCEQ Motor Vehicle Idling Limitation Rule to be applicable year round;
- Extend the Rule to incorporate lighter-weight vehicles (6,000 pounds gross vehicle weight rating or greater);
- Permit Texas Emissions Reduction Plan (TERP) funding to be used on idle reduction projects within jurisdictions that have adopted the rule;
- Enable counties to enforce idling restrictions as a Class C misdemeanor, as opposed to Class B, which is currently stipulated;
- Prohibit idling at railroad crossings; and,
- Exempt trucks powered by “Certified Clean Idle” engines from idling limitations.

Establish a registration program for non-road equipment such as construction and agricultural machinery.

Establish a daytime automobile insurance checkpoint program with guidance for equitable implementation.

Allow TxDOT, counties, or municipalities to charge roadway maintenance impact fees for natural gas drilling trucks that contribute to premature deterioration of roadways.

Provide additional funding for the Rail Relocation and Improvement Fund from new sources.

Create a pilot program to test the feasibility of implementing a mileage based fee to replace the motor fuels tax.

Allow TxDOT to expend State funds for administration costs when MPOs execute an agreement for an off-system transportation or air quality project that benefits the state highway system using federal funds.

Authorize surplus toll revenue to be expended by MPOs within the region from which the revenue was generated to provide fund management and increase transparency to the public of how the funds are spent.

Create a metropolitan transportation management revolving fund to facilitate MPOs’ ability to pay contractors and other partners in a timely manner while waiting for federal and state reimbursement without having to retain large balances of local funds.

Improve the safety and efficiency of freeway incident management:

- Include mobility assistance patrol vehicles and towing/wrecker service vehicles that have a valid incident management towing permit in the definition of “authorized emergency vehicles” included in the Move Over Law (Sections 545.157 and 541.201, Texas Transportation Code) when such vehicles are responding to a traffic incident;
- Recognize mobility assistance patrols and towing/wrecker services that hold valid incident management towing operators’ licenses as emergency responders as it relates to traffic incident response; and,
- Provide towing/wrecker services that hold valid incident management towing operators’ licenses with the same liability exemption as TxDOT and law enforcement agencies, as it relates to property damage of the disabled vehicle, when such vehicles are responding to a traffic incident.

Enhance transportation safety:

- Ban the use of hand-held communications devices in work zones; and,
- Establish a standard minimum fine for traffic violations in work zones and allow signs to be posted in work zones displaying the minimum fine. Allow municipalities to retain the right to increase the fine amount.

Expedite needed transportation projects:

- Pass legislation similar to SB 502, 81st Texas Legislature, providing TxDOT with the ability to fund federal agencies to expedite projects; and,
- Require conservation planning agencies, collectively known as “resource agencies” to participate in the transportation planning consultation process during long-range transportation planning.

Enhance opportunities to link transportation and land use:

- Establish compatible land use regulations for public use airports to minimize the effects of urban encroachment;
- Promote compatible growth that lessens the impact on military installations and provides enhanced options for cities and counties to manage growth;
- Provide tools that can be used at the local level to promote compatible growth impacting military installations such as:
 - Protecting the voluntary participation of coordination efforts by governmental entities surrounding military installations;
 - Enhanced communication efforts for new potential residents; and,
 - Enhanced Extra Territorial Jurisdiction authority in unincorporated areas within noise contours;
- Provide appropriate authority to counties based upon a request by the County Commissioners Court, including limited land use authority, to ensure the provision of adequate infrastructure and protect the health, welfare and property values in rapidly growing unincorporated areas;
- Require all roadway facilities to accommodate integrated, multimodal travel on all new and redevelopment projects, including vehicles, bicycles, and pedestrians;
- Provide new mechanisms for coordination between local governments and transit authorities as well as funding streams for land acquisition and transportation connection infrastructure projects around rail stations;
- Require a regional structure to coordinate planning issues such as school locations, land use and infrastructure integration between independent school districts, municipalities and Counties.

Provide additional funding mechanisms to support airport development for public use airports to meet future demand.

Support the creation of dedicated truck lanes on existing highways.

Reestablish the authority to enter into public-private partnerships for railroad projects.

Allow video archiving of Intelligent Transportation System closed-circuit television cameras for a 24-hour period for transportation safety training and transportation security purposes. Exempt archived video from the Public Information Act.

Legislation to Monitor

Protect all transportation resources and revenues and the authority and flexibility achieved since the 78th Texas Legislature.

Ensure that any transportation planning and programming rules added to the Transportation Code are compatible with rules added to the Texas Administrative Code by the Texas Transportation Commission.

Protect local flexibility for membership of MPO policy boards with at least 75 percent elected officials.

Retain current authority for truck lane restrictions.

Provide local governments, transit entities, and the State a common base for taxable goods and services, including any goods and services newly taxed by the Legislature.

Oppose legislation permitting triple-tandem trucks on state highway facilities.

Maintain local authority to implement red-light cameras and maintain current revenue sharing with the State.

Provide a tax credit to businesses that offer trip reduction strategies to their employees. Impose a penalty on employers that do not offer any form of trip reduction strategies (carpool, vanpool, bike, walk, transit, shuttle services, telecommute, or telework center) to employees.

Amend municipal subdivision regulations (Chapter 212, Local Government Code) to require developers to identify the location of and preserve right-of-way for future trail construction, especially in master planned development locations within proximity to the Regional Veloweb network trail system or other adopted trail plans or greenways.

Oppose legislation that imposes a top-down approach that mandates local jurisdictions surrounding military installations participate in coordination efforts which would remove local flexibility.