

Regional Transportation Council Legislative Program 84th Texas Legislature

LEGISLATION TO ACTIVELY PURSUE

1. Retain limited authority for TxDOT to enter into public-private partnerships on specific projects.

- IH 635 East Project
- North Tarrant Express Section 3C
- Trinity Parkway (if requested by NTTA)
- Any CDA project previously approved by the Texas Legislature needing an extension

CDA Projects Approved in 2013 - 83 rd Texas Legislature
SH 183/Loop 12/SH 114
North Tarrant Express
IH 35E/US 67
Loop 9
CDA Projects Approved in 2011 - 82 nd Texas Legislature
IH 35E Managed Lanes from IH 635 to US 380
North Tarrant Express
SH 183 Managed Lanes from SH 161 to IH 35E

~~2. Support full funding for the Low Income Repair and Replacement Assistance Program (LIRAP), also known as the AirCheckTexas Drive a Clean Machine Program, and Local Initiative Projects (LIP), the component of LIRAP which consists of an emissions enforcement program combating the exploitation of counterfeit, fictitious and improper state inspection certificates. Options to achieve this include:~~

- ~~• Appropriate all revenue generated through the LIRAP/LIP program~~
- ~~• Exchange the LIRAP fee for a county emissions fee so the funds are collected and administered locally~~
- ~~• Change the collection point of the current LIRAP fee to the county tax assessor/collector rather than the Comptroller~~
- ~~• Expand the eligibility of projects that can be funded through the LIRAP program~~

2. Support the Low Income Repair and Replacement Assistance Program (LIRAP), also known as the AirCheckTexas Drive a Clean Machine Program, and Local Initiative Projects (LIP) through the following principles:

- Appropriate all unspent and future revenue generated by LIRAP through the existing collection point
- Expand the eligibility of projects funded by LIP to include more transportation system improvements including:
 - o Emissions enforcement programs, Low-Cost Intersection Improvements, Intelligent Transportation Systems, Bottleneck Improvements, Traffic Signal Progression, Freeway Incident Management Strategies, Alternative Fuel Vehicles/Infrastructure and Idle-Reduction Measures
- Allow county oversight of LIP project selection and fund distribution
 - o Reserve a minimum threshold of 40% of funds for LIRAP
 - o Allow counties the ability to exchange funds with other counties in the region to meet a regional minimum LIRAP threshold of 40%

3. **Identify additional transportation revenue** to enhance statewide and regional ability to maintain and improve the multimodal transportation system. Provide metropolitan areas with flexible solutions to solve problems and ensure that areas contributing to transportation solutions will not be penalized with a loss of traditional transportation funding. Ensure a fair allocation of all funding categories across the State by either a direct formula or through partnerships with Districts/Commission. End diversions of transportation revenue to non-transportation purposes. Redirect a portion of the motor vehicle sales tax to fund transportation.
4. **High-Speed Rail**
Provide TxDOT with all the legal ability to implement high-speed rail as they have roadways such as oversight, procurement and funding development. (Pending TxDOT/DFW High-Speed Rail Commission)

LEGISLATION TO SUPPORT

Air Quality

- Require emissions testing on all On-Board Diagnostic (OBD) II compliant vehicles.
- Require dual-testing (OBD and acceleration simulation mode (ASM)) of model years 1996-2004 vehicles.
- Support full funding of the Texas Emissions Reduction Plan (TERP), fund the most cost-effective emissions reduction projects (need for real-world emissions reductions).
- Allow TERP funds to be used for staff time for third-party TERP grants.
- Reinstate the prohibition of idling near sensitive areas and remove 30 minute bus exemption in school zones.
- Establish a fuel-neutral tax stream to fund the transportation system in order to ensure revenue generation is not contradictory to efforts to increase energy independence through increased use of alternative fuel and advanced technology vehicles (VMT tax or equitable road use fee).
- Establish registration program for non-road equipment such as construction and agricultural machinery.
- Ensure that all state and local agencies have authority to charge roadway maintenance impact fees for natural gas drilling trucks, or any other major operation, that contribute to premature deterioration of roadways.
- Allow TCEQ the ability to contract directly with a council of governments or metropolitan planning organization (MPO) for regional administration of LIRAP and/or LIP if a participating county does not wish to administer the programs at the county-level.

Congestion Management & System Operations

- Recognize mobility assistance patrols as emergency responders as it relates to traffic incident response; comparable to the inclusion of tow-trucks and TxDOT vehicles in the Move Over law; support inclusion of NTTA vehicles in Move Over law.
- Ban the use of hand-held communications devices in work zones.
- 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.
- Support the adoption of a statewide three foot passing law requiring motorists to give cyclists at least three feet of clearance when passing from the rear and/or the expansion of the Move Over law to include bicycles.
- Support an education campaign to ensure that bicyclists understand correct and safe bicycle operations on public streets.

- 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.
- Allow the use of technology to verify HOV/managed lane vehicle occupants.

Aviation

- Enhance opportunities to link transportation and land use surrounding military installations and public use airports:
 - o Establish compatible land use regulations for public use airports to minimize the effects of urban encroachment.
 - o Support legislation that promotes compatible growth that lessens the impact on military installations and provides options for cities and counties to manage growth.
 - o Support legislation that provides tools that can be used at the local level to promote compatible growth around military installations and public use airports.
 - o Support legislation that establishes organizational structures to accomplish objectives that are voluntary collaborations of local entities rather than top-down mandated structures.
- Provide additional funding mechanisms to support airport development for public use airports to meet future demand.
- Support the safe, secure, and timely implementation of emerging technologies, such as NextGen and Unmanned Aircraft Systems (UAS), to enhance the regional air transportation system.
- Provide tools that support and promote Science, Technology, Engineering, and Mathematics (STEM) through aviation and aerospace careers.

Transportation-Land Use Connection

- Provide appropriate authority to counties based upon a request by the county commissioner's 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.
- Support the accommodation of integrated, multimodal travel on all roadway facilities on new and redevelopment projects, including vehicles, bicycles and pedestrians.
- Support existing funding programs/initiatives that maintain or increase current investments in bicycle and pedestrian infrastructure and non-infrastructure projects.

Planning

- Support additional legislative tools for NCTCOG and its regional partners to implement high-priority, multi-modal regional projects.
- Support legislation that would limit the imposition of damages against a Class I railroad that allows a public entity to use the railroad's property or tracks for the provision of public passenger rail service.
- Support the State planning process to improve the Statewide Freight Plan and multimodal system.
- Direct conservation planning agencies, collectively known as resource agencies, to participate in the transportation planning consultation process during long-range transportation planning in order to receive funding and expedite transportation projects.
- Allow for additional flexibility of the State Highway Fund to include transit projects as eligible to receive funds, in addition to current eligible projects.
- Require the Texas Transportation Institute to work with MPOs to develop criteria for Rider 42; allow criteria to be more system oriented rather than project specific.
- Require notification of natural gas well drilling when the action will occur within certain distance of interstate highways, state highways, county roads or passenger rail facilities.

LEGISLATION TO MONITOR

- Maintain local authority to implement red-light cameras and maintain current revenue sharing with the State.
- Oppose legislation permitting triple-tandem trucks on state highway facilities.
- Protect all transportation resources and revenues and the authority and flexibility achieved since the 78th Texas Legislature.
- Protect local flexibility for membership of MPO policy boards with at least 75 percent elected officials.
- 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.
- Review the continued need for eminent domain authority of private toll road corporations.