

Transportation and Air Quality Approved Legislation 84th Texas Legislature

HOUSE BILLS

HB 1 (Otto) General Appropriations Bill for the 2016–17 Biennium

Article VII – Texas Department of Transportation

The Fiscal Year (FY) 2016-2017 State budget includes \$23.1 billion in funding for the Texas Department of Transportation (TxDOT). This includes \$3.7 billion in additional transportation funding over two years. This additional funding is made up of Proposition 1 funds totaling \$2.4 billion (\$1.21 billion in FY16 and 1.19 billion in FY17) and ending diversions totaling \$1.3 billion from the discontinuation of \$1.3 billion in State Highway Fund appropriations to agencies other than TxDOT.

Proposition 1 distribution has changed to the following:

- 45% for mobility and added capacity in urban areas
- 25% for regional connectivity along strategic corridors in rural areas
- 20% for statewide maintenance and preservation projects
- 10% for safety and maintenance in oil and gas production areas

\$19.6 billion in All Funds is provided for transportation planning and design, right-of-way acquisition, construction, and maintenance and preservation. The All Funds amount includes \$8.8 billion for maintenance and preservation of the existing transportation system, \$5.8 billion for construction and highway improvements, \$2.4 billion from estimated oil and natural gas tax-related transfers to the State Highway Fund (Proposition 1, 2014) for constructing, maintaining, and acquiring rights-of-way for non-tolled public roadways, \$1.8 billion for transportation system planning, design, and management and \$0.9 billion for right-of-way acquisition.

\$2.2 billion in All Funds is provided for debt service payments and other financing costs, including \$1.6 billion in Other Funds from the State Highway Fund and Texas Mobility Fund, \$500.9 million in General Revenue Funds (an increase of \$186.5 million) and \$125.7 million in Federal Funds from Build America Bond interest payment subsidies.

Article VI – Natural Resources

All Funds for Natural Resources total \$4.4 billion for the 2016-17 biennium, which is a decrease of \$2.6 billion, or 37.2 percent, from the 2014-15 biennium. Funding for the Texas Commission on Environmental Quality (TCEQ) for the 2016-17 biennium totals \$908.3 million in All Funds, which is an increase of \$149.0 million from the 2014-15 biennium. The Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) will receive almost \$87 million over the biennium. This is an increase of \$81.2 million over FY14-15 funding levels, which is appropriating the collected revenue. The Texas Emissions Reduction Plan (TERP) will receive \$236.3 million for the biennium. This is an \$81 million increase over FY14-15 funding levels.

Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP)

Amounts appropriated out of the Clean Air Account No. 151, Air Quality Assessment and Planning, include \$43,467,055 in each fiscal year of the 2016-17 biennium in estimated

fee revenues from vehicle inspection and maintenance fees generated to fund LIRAP. Out of these amounts, not more than \$252,903 in each fiscal year shall be used by the TCEQ for costs associated with administering the LIRAP and all remaining funds shall be used as LIRAP grants to local governments.

Amounts appropriated in Air Quality Assessment and Planning also include \$4,829,673 in each fiscal year of the 2016-17 biennium out of the Clean Air Account No. 151 to be used only for county-implemented local initiatives projects to reduce air emissions.

Amounts appropriated above for LIRAP grants and local initiative projects also include an estimated \$1,196,172 each fiscal year in estimated fee revenue generated from Travis County and \$483,736 each fiscal year in estimated LIRAP fee revenue generated from Williamson County. The TCEQ will allocate, at a minimum, the estimated revenue amounts collected in each of the counties during the 2016-17 biennium to provide LIRAP grants and local initiatives projects in those counties.

In addition to the amounts appropriated above, any additional revenues from vehicle inspection and maintenance fees generated from additional counties participating in the LIRAP beginning on or after September 1, 2015, are appropriated to the TCEQ for the biennium. Such funds shall be used to provide grants to local governments and to cover administrative costs of the TCEQ in administering LIRAP.

Texas Emissions Reduction Plan (TERP): Grants and Administration

The table below provides an estimated allocation for the TERP Account No. 5071 appropriations for each authorized use of the funds for the 2016-17 biennium.

PROGRAMS	FY2016	FY2017
TCEQ Administration	\$4,724,994	\$4,725,527
Regional Air Monitoring Program	\$3,000,000	\$3,000,000
Emissions Reduction Incentive Grants	\$61,733,913	\$61,741,371
Texas Clean Fleet Program (minimum)	\$5,906,242	\$5,906,908
Texas Clean School Bus (maximum)	\$4,724,994	\$4,725,527
Texas Natural Gas Vehicle Grant Program (minimum)	\$18,899,975	\$18,902,106
Clean Transportation Triangle Program (maximum)	\$5,906,242	\$5,906,908
Alternative Fueling Facilities Program	\$5,906,242	\$5,906,908
New Technology Implementation Grants (maximum)	\$3,543,745	\$3,544,145
Health Effects Study (maximum)	\$200,000	\$200,000
Research	\$1,000,000	\$1,000,000
Energy Systems Laboratory Contract (maximum)	\$216,000	\$216,000
Drayage Truck incentive Program (minimum)	\$2,362,497	\$2,362,763
TOTAL	\$118,124,844	\$118,138,163

The bill takes effect September 1, 2015.

HB 7 (Darby) Relating to the amounts, availability and use of certain statutorily dedicated revenue and accounts.

HB 7 modifies provisions governing certain general revenue dedicated funds and accounts. The bill modifies fees, eligible uses of funds, procedures, and other provisions. The comptroller is required to issue a report after each regular legislative session that itemizes each general revenue dedicated account and its estimated balance and revenue that is considered available

for budget certification. The comptroller must publish the report on the comptroller's website. The bill amends Health and Safety Code, section 382.0622, regarding vehicle inspection fees and the Clean Air Act by providing that \$2 from a portion of the initial two-year vehicle inspection fee, in addition to the general inspection fee, be remitted to the State.

The bill takes effect September 1, 2015.

HB 20 (Simmons) Relating to the operations of and transportation planning and expenditures by the Texas Department of Transportation and local transportation entities.

HB 20 requires the Texas Transportation Commission (TTC) to develop rules and implement performance-based planning and programming dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining TxDOT goals and objectives established by the Legislature and the TTC.

The TTC will develop performance metrics and measures as part of 1) the review of strategic planning in the statewide transportation plan, rural transportation plans, and the unified transportation program, 2) the evaluation of decision-making on projects selected for funding in the unified transportation program and statewide transportation improvement program, and 3) the evaluation of project delivery for projects in the department's letting schedule. The TTC will adopt and review performance metrics and measures and must implement periodic reporting schedules for all performance metrics and measures.

Metropolitan Planning Organizations (MPO) are required to develop a 10-year plan for the use of funding allocated to the region with the first four years of the plan being developed to meet the transportation improvement plan requirements. MPOs must also develop project recommendation criteria, which must include consideration of:

- 1) projected improvements to congestion and safety
- 2) projected effects on economic development opportunities for residents of the region
- 3) available funding
- 4) effects on the environment, including air quality
- 5) socioeconomic effects, including disproportionately high and adverse health or environmental effects on minority or low-income neighborhoods
- 6) any other factors deemed appropriate by the planning organization

The bill also requires the TTC to prioritize and approve projects included in the statewide transportation plan in order to provide financial assistance. The TTC will establish a performance-based process for setting funding levels for the categories of projects in the unified transportation program and establish a scoring system for prioritizing projects. The Commission may make discretionary funding decisions for no more than 10 percent of the current biennial budget of the department.

The policing of the State Highway System by the Department of Public Safety (DPS) is removed as a permissible use of the State Highway Fund.

Related to design-build, a contract may include a maintenance agreement requiring a design-build contractor to maintain a project for an initial term of no longer than five years. The threshold is increased from \$50 million to \$150 million for projects on which design-build could be used. Design-build use on projects that are mostly designed is prohibited, as well as prohibiting the bundling of multiple projects in one design-build contract.

The Lieutenant Governor will appoint five members to a Senate Select Committee on Transportation Planning and the Speaker of the House will appoint nine members to a House Select Committee on Transportation Planning. The committees will review, study, and evaluate the following:

- 1) department projections regarding needed revenue
- 2) the development of funding categories, the allocation of funding to such categories by formula, project selection authority for each funding category, and the development of project selection criteria for commission, department, and district-selected projects
- 3) department rules and policies regarding the development and implementation of performance-based scoring and decision making for project prioritization and selection of commission, department, and district-selected projects
- 4) the use and utilization of alternative methods of financing that have been authorized by the Legislature for projects
- 5) performance metrics and measurement tools used by the department to evaluate the performance of a department project or program
- 6) the department's collaboration with State elected officials, local governments, government trade associations, metropolitan planning organizations, regional mobility authorities, and other entities when adopting rules or formulating policies
- 7) any proposed rule, policy, program, or plan of the Commission or department of statewide significance
- 8) any possible benefits of utilizing zero-based budgeting principles
- 9) any other matter the committee considers appropriate

TxDOT must submit an initial report to the select committees no later than September 1, 2015. The report will provide information necessary for the select committees to review, study, and evaluate. The committees must prepare a written report on the reviewed subjects and provide the report to the Legislature no later than November 1, 2016.

The bill takes effect immediately.

HB 122 (Pickett) Relating to the Texas Mobility Fund.

HB 122 prohibits new debt issuance from the Texas Mobility Fund (TMF) after January 1, 2015, and prohibits the use of the TMF for toll roads. TMF revenues may be used to retire debt and renew or replace credit agreements related to variable rate obligations.

The bill takes effect immediately.

HB 283 (Fallon) Relating to the requirement that certain governmental recordings of open meetings available on the Internet.

HB 283 requires a transit authority or department subject to Chapter 451, 452, 453, or 460 of the Transportation Code, certain school district boards, an elected governing body of a home-rule municipality that has a population of 50,000 or more, or a county commissioner's court for a county that has a population of 125,000 or more, to make a video and audio recording of each regularly scheduled open meeting. An archived copy of the video and audio recording of each meeting must be made available on the Internet.

The governmental body is not required to establish a separate website and can post the video on an existing website, including a publicly accessible video-sharing or social networking site. If

the governmental body maintains a website, the video should be on that website. The archived video recording must be available online no later than seven days after the date the recording was made and should be maintained for no less than two years. A government body is exempt if there is no recording from the result of a catastrophe or technical breakdown. A governmental body may broadcast a regularly scheduled open meeting of the body on television.

The bill takes effect January 1, 2016.

HB 499 (Guillen) Relating to the public transportation advisory committee. - VETOED

HB 499 amends Transportation Code relating to the membership of the current Public Transportation Advisory Committee. Term limits are implemented and the appropriate qualifications of appointed members are clarified. Members will serve for staggered terms of six years, with the terms of three members expiring on February 1 of each odd-numbered year. Members of the Public Transportation Advisory Committee are appointed by the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives and will each appoint:

- 1) One member who represents a diverse cross-section of public transportation providers and may be employed by a transit provider or organization representing transit providers.
- 2) One member who represents a diverse cross-section of transportation users and may not be employed by a transit provider or organization representing transit providers.
- 3) One member who represents the general public and who may be on the staff of a MPO or rural transportation planning organization, but may not be employed by a transit provider or organization representing transit providers.

[This bill was vetoed by the Governor.](#)

HB 565 (Burkett) Relating to powers of private toll project entities.

HB 565 amends the section of the Transportation Code related to the Texas Transportation Commission's approval of a private turnpike or toll project. Before the Commission approves a project concerning a private turnpike or toll project, it must hold a public meeting in the region in which the project will be located.

The bill also amends the section related to the use of eminent domain by a toll road corporation. A private toll road corporation is prohibited from exercising the power of eminent domain. The private toll project entity is allowed to enter into an agreement with a public toll project entity to finance, construct, maintain, or operate a toll road.

The bill takes effect September 1, 2015.

HB 685 (Sheets) Relating to the production of public information under the public information law.

HB 685 allows a political subdivision of the State to refer open records requestors to the political subdivision's website in response to the request when appropriate. A requestor may be referred to an exact Internet location on a website maintained by the political subdivision and accessible to the public if the requested information is identifiable and readily available on that website.

If the person requesting the information prefers a manner other than access through the Internet/website, the political subdivision must supply the information in the usual manner

required, in the office or through the mail. If an officer for public information for a political subdivision provides by email an Internet location or website address, the email must contain a statement indicating that the requestor may nonetheless access the requested information in person or through the mail.

The bill effect September 1, 2015.

HB 735 (Israel) Relating to the collection of information regarding the number of alternatively fueled vehicles registered in the State.

HB 735 establishes a Texas Department of Motor Vehicles (DMV) program to collect information about the number of alternatively fueled vehicles registered in Texas. The DMV will submit an annual report to the legislature that shows, at a minimum, the number of vehicles registered in the State that use electric, hybrid, compressed natural gas and liquefied natural gas.

The bill takes effect September 1, 2016.

HB 790 (Burkett) Relating to a study on the implementation and effectiveness of sound mitigation measures on certain highways.

HB 790 requires the Texas A&M Transportation Institute to conduct a study assessing the implementation and effectiveness of sound mitigation measures on highways that are part of the State Highway System and toll roads or turnpikes.

The study must include:

- 1) an analysis of the process and methodology used by TxDOT or toll project entity for selecting and implementing sound mitigation measures
- 2) an analysis of whether any kind of live testing is conducted at any point to determine the actual traffic noise level for neighboring properties
- 3) an evaluation of the effectiveness of the process and methodology
- 4) an evaluation of the effectiveness of implemented sound mitigation measures in reducing the traffic noise level for neighboring properties

No later than November 1, 2016, the Texas A&M Transportation Institute must submit a report on the results of the study and any recommendations to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the presiding officer of each standing committee of the Texas Legislature with jurisdiction over transportation matters.

The bill takes effect immediately and expires on August 31, 2017.

HB 991 (Bohac) Relating to the display of notice of federal and State tax rates for motor fuel sold at retail.

HB 991 amends the Agriculture Code to require the Texas Department of Agriculture (TDA) to display a notice of the current rates of the federal and State motor fuel taxes on each motor fuel pump. The TDA would not be required to display the motor fuel tax information until the TDA is at the pump's location for an inspection or other official business, or until TDA's inventory of "Fuel Feedback?" stickers are depleted.

The bill takes effect January 1, 2016.

HB 1184 (Paddie) Relating to authorizing certain utility cost savings and alternative fuel programs as eligible for local government energy savings performance contracts.

HB 1184 amends current law related to energy savings performance contracts. An energy savings performance contract is between a local government and a provider for energy or water conservation in which the estimated energy savings offsets the cost of the energy-saving improvement measures over a specified period. Alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles and programs resulting in utility cost savings, have been added to the list of eligible projects for energy saving performance contracts for local governments.

The bill takes effect immediately.

HB 1394 (Burns) Relating to the composition, governance, and authority of a regional tollway authority that has or proposes to have projects located in counties that are not part of the authority.

HB 1394 allows a county that is not part of a regional tollway authority, but has a project located in that county, to become part of the authority. A county may become part of the authority when electronic toll collections account for at least four percent of all electronic toll collections on all of the authority's turnpike projects, and the population of the county is at least four percent of the aggregate population of all the counties of the authority.

The authority must create an advisory committee when it enters into a contract for its first project to be located in a county that is not part of the authority. The advisory committee must be made up of the director of the authority appointed by the Governor, an additional director of the authority appointed by the presiding officer of the board, and one member from each county that is not part of the authority and where the project is proposed to be located, to be appointed by the commissioner's court. The board may adopt rules governing the operation and duties of an advisory committee.

The bill takes effect September 1, 2015.

HB 1481 (Murphy) Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.

HB 1481 creates an offense to operate an unmanned aircraft over critical infrastructure facilities if the facility is completely enclosed with a fence or barrier, marked with a sign indicating that entry is forbidden, or any portion of an aboveground oil, gas, or chemical pipeline that is enclosed by a fence or barrier that is obviously designed to exclude intruders. A critical infrastructure facility includes the following:

- 1) a petroleum or alumina refinery
- 2) an electrical power generating facility, substation, switching station, or control center
- 3) a chemical, polymer, or rubber manufacturing facility
- 4) a water intake structure, treatment facility, wastewater treatment plant, or pump station
- 5) a natural gas compressor station
- 6) a liquid natural gas terminal or storage facility
- 7) a telecommunications central switching office
- 8) a port, railroad switching yard, trucking terminal, or other freight transportation facility
- 9) a gas processing plant, including a plant used in the processing of natural gas

- 10) a transmission facility used by a federally licensed radio or television station
- 11) a steelmaking facility that uses an electric arc furnace to make steel
- 12) a dam that is classified as a high hazard by the TCEQ

A person commits an offense if the person intentionally or knowingly:

- 1) operates an unmanned aircraft over a critical infrastructure facility not higher than 400 feet above ground level
- 2) allows an unmanned aircraft to make contact with a critical infrastructure facility
- 3) allows an unmanned aircraft to come within a distance of a critical infrastructure facility that is close enough to interfere with the facility

This does not apply to actions by the following entities:

- 1) the federal government, State, or a governmental entity
- 2) a person under contract with or acting under the federal government, State, or a governmental entity
- 3) a law enforcement agency
- 4) a person under contract with or acting under law enforcement
- 5) an owner or operator of the critical infrastructure facility
- 6) a person under contract with or otherwise acting under the direction of an owner or operator of the critical infrastructure facility
- 7) a person who has the prior written consent of the owner or operator of the facility
- 8) the owner or occupant of the property on which the facility is located or a person who has the prior written consent of the owner or occupant
- 9) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace

The offense is a Class B misdemeanor or a Class A misdemeanor if a person has been previously convicted.

The bill takes effect September 1, 2015.

HB 1633 (Romero) Relating to the application and notification requirements for a permit to drill an oil or gas well in or near an easement held by TxDOT. - VETOED

HB 1633 requires the Railroad Commission to adopt rules requiring an application for a permit to drill an oil or gas well to include an affirmation as to whether or not the well is located within an easement held by TxDOT or within 50 yards of one. If the Railroad Commission receives an application for a permit to drill an oil or gas well that contains an affirmation that the well is located within in or near an easement, the Commission will transmit a copy of the application to TxDOT within 14 days. This does not grant TxDOT any authority regarding the approval of an application for a permit to drill an oil or gas well.

[This bill was vetoed by the Governor.](#)

HB 1905 (Taylor) Relating to certain State and local taxes, including ad valorem taxes, and to the repeal of certain of those taxes.

HB 1905 amends the Tax Code related to certain taxes and exempts certain motor vehicles used to provide transit services, including vehicles of a metropolitan rapid transit authority operating under Chapter 451 of the Transportation Code, or a regional transportation authority

operating under Chapter 452 of the Transportation Code, from the compressed natural gas and liquefied natural gas (CNG/LNG) tax imposed.

The bill takes effect September 1, 2015.

HB 2134 (Burkett) Relating to allowing a governmental body to request clarification of a request for public information by electronic mail.

HB 2134 amends the Government Code that currently allows governmental entities responsible for public information requests to seek clarification from the requestor by electronic mail, if the request was submitted electronically. If the requestor asked for public information by email and the governmental entity sends a request for clarification by email, but does not receive a response, the request may be considered to have been withdrawn after 61 days.

The bill takes effect September 1, 2015.

HB 2167 (Smith) Relating to certain images captured by an unmanned aircraft.

HB 2167 extends the lawful purposes of capturing an image using an unmanned aircraft to include professional surveying and engineering. An image captured by a registered professional land surveyor in connection with the practice of professional surveying or an image captured by a professional engineer in connection with the practice of engineering has been added to the list of lawful purposes of capturing an image using an unmanned aircraft, provided that no individual is identifiable in the image.

The bill takes effect September 1, 2015.

HB 2521 (Coleman) Relating to the allocation and use of payments received under oil and gas leases of land owned by the State for a county road.

HB 2521 creates a new State County Road Oil and Gas Fund and requires payments received from leases of the State's oil and natural gas mineral interests from land under county roads to be deposited into the new fund. Any payment received from the leasing of oil and gas under lands owned by the State that were or may be acquired by a county to construct a county road shall be deposited to the credit of the County Road Oil and Gas Fund. Future payments from leases for land entered into on or after September 1, 2017, would be paid directly to the county treasurer for deposit to their County Road and Bridge Fund.

The County Road Oil and Gas Fund is defined as a trust fund outside the State treasury to be held and administered by the comptroller as trustee for the payment, without appropriation, to counties of money received from the leasing of oil and gas under lands owned by the State that were or may be acquired by a county to construct a county road.

The comptroller would disburse money in the fund at least twice each fiscal year, without appropriation, to the appropriate county for deposit to the county's Road and Bridge Fund. Money deposited to the County Road Oil and Gas Fund would be used by the county only for road maintenance purposes.

The bill takes effect September 1, 2017.

HB 2549 (Davis, Y.) Relating to the authority and operation of regional tollway authorities.

HB 2549 amends the Transportation Code to address issues of enforcement, billing and reporting for tollway authorities.

A tollway authority contracted to provide tolling services for a toll project would be considered the toll project entity for the purposes of enforcing unpaid tolls. The authority cannot be allowed to stop, detain or impound a vehicle unless specifically permitted to do so by a tolling service agreement.

For unpaid tolls collected by mail, the payment due date is changed from no later than 30 days to no later than 25 days after the date the authority mailed the invoice to the correct address. Timeframes associated with subsequent unpaid toll notices come from the initial 25-day deadline.

The local court assessing and collecting a fine from a vehicle owner who failed to pay a toll after repeated notices, may collect and forward to the authority, the properly assessed unpaid toll and other fees as determined by the court after a hearing or by written agreement of the vehicle owner. The bill would also allow tolling authorities to send information online, instead of by first-class mail, if the recipient agreed to the terms of electronic receipt of information and billing.

The due date for the toll authority's annual report to county commissioners has been changed from March 31 to June 30.

The bill takes effect on September 1, 2015.

HB 2612 (Pickett) Relating to a report to the legislature regarding the elimination of toll roads.

HB 2612 requires TxDOT to submit a report by September 1, 2016, to the House and Senate Transportation Committees that:

- 1) lists of the amount of debt on bonds issued for each toll project in the State
- 2) identifies bonds that would be appropriate for accelerated or complete lump-sum payment of debt service
- 3) proposes a plan to eliminate all toll roads in the State (except for tolls on roads constructed, operated, or maintained only with proceeds from the issuance of bonds by a toll project entity other than TxDOT)

The bill takes effect September 1, 2015.

HB 2853 (Anderson) Relating to the municipal sales and use tax for street maintenance.

HB 2853 extends the period before expiration of the municipal sales and use tax for street maintenance for "certain large cities with a population of more than 150,000, intersected by two interstate highways, where the street maintenance sales tax has been approved by the voters at a general election twice before and by at least 66 percent of the voters each time." This would apply to the City of Grand Prairie.

Currently, if voters have previously authorized a street maintenance sales tax, a reauthorization election must occur every four years. The bill provides an option of putting an eight year authorization period on the ballot. A city council could still elect to put a four-year authorization

period on the ballot if desired. The bill also adds the maintenance and repair of existing municipal sidewalks among the authorized uses of revenue from municipal sales and use taxes for street maintenance.

The bill takes effect immediately.

HB 3225 (Murr) Relating to lane restrictions for certain motor vehicles in highway construction or maintenance work zones.

HB 3225 allows TxDOT to restrict a commercial motor vehicle to a specific lane within a construction or maintenance work zone if a traffic study conducted by the department indicated that such a restriction was necessary to improve safety. TxDOT is then required to erect signs or other traffic control devices to indicate which lane was for commercial vehicles. A lane restriction may not be enforced until the appropriate traffic control devices are in place.

TxDOT's Executive Director could rescind the lane restriction if it was determined that the restriction was no longer needed to improve safety. The lane restriction would expire if the lane was no longer in a work zone. If a TxDOT lane restriction was rescinded or expired, TxDOT is required to remove the signs and other traffic control devices indicating the lane restriction.

The bill takes effect September 1, 2015.

HB 3628 (Geren) Relating to the adoption by the Department of Public Safety (DPS) of rules governing the use of unmanned aircraft in the Capitol Complex; creating a criminal offense.

HB 3628 requires the director of the DPS to adopt rules governing the use of unmanned aircraft in the Capitol Complex. The rules may prohibit use or authorize limited use of unmanned aircraft in the Capitol Complex. This offense is a Class C misdemeanor, or a Class B misdemeanor if the rule has been violated previously. The DPS director will adopt the new rules no later than December 1, 2015. An offense committed before that date is governed by the law in effect immediately before the effective date of this Act.

The bill takes effect September 1, 2015.

HB 3777 (Collier) Relating to the establishment and governance of certain regional transportation authorities.

HB 3777 amends the Transportation and Tax Codes by changing the population brackets in Chapter 452 related to the Fort Worth Transportation Authority and modifies the governance of that regional transportation authority. The description of the transportation authority created by that chapter now specifies that such an authority would have no municipality with a population of more than 1.1 million, instead of 800,000 as in current law. References to the 1.1 million population are updated throughout the bill.

The membership of the board is changed from nine to 11 members. The county commissioner's court would appoint both of the new seats.

Finally, the bill provides criteria for determining the total financial obligations of an entity that has a population of less than 10,000 and wishes to withdraw from the authority. This applies to an

election to withdraw that is ordered before, on, or after September 1, 2015, and expires August 31, 2016.

The bill takes effect September 1, 2015.

HB 4025 (Keffer) Relating to funding to counties for transportation infrastructure projects located in areas of the State affected by increased oil and gas production, including money from county energy transportation reinvestment zones. - VETOED

HB 4025 amends the Transportation Code relating to the current Transportation Infrastructure Fund by changing the formula by which the grants from the fund are allocated among counties. This is a clean-up bill of SB 1747 (83R) to ensure funds are going toward their intended purpose.

All references of "zone" are changed to "county" throughout the bill. The bill mandates that weight tolerance permits must be related to oil and gas activities when being used to factor grant awards. Language is also modified so that horizontal wells are weighed higher against vertical wells. Criteria is modified to add new reporting requirements to allow TxDOT to spend more on the administration of the program, widen the area in which projects may be completed to encompass the county, and restrict the amount that counties may spend on administration to \$100,000.

The bill was vetoed by the Governor.

SENATE BILLS

SB 57 (Nelson) Relating to information collected by a regional tollway authority, regional mobility authority, regional transportation authority, metropolitan rapid transit authority, or coordinated county transportation authority.

SB 57 provides that certain personal account information collected by a regional tollway authority, regional mobility authority, regional transportation authority, metropolitan rapid transit authority, or coordinated county transportation authority is not subject to disclosure under the State's Public Information Act. Personal information includes a person's name, address, e-mail address, phone number, account number, password, payment transaction activity, toll or charge record, credit, debit, or other payment card number and other personal financial information. This change will not prohibit law enforcement or judicial requests for information.

The bill takes effect immediately.

SB 530 (Hancock) Relating to the licensing of vehicles for hire and passenger transportation services by certain airport governing boards; authorizing the imposition of fees; expanding the authorization to require an occupational license; amending a provision subject to a criminal penalty.

SB 530 authorizes a joint airport board operating a county or municipal airport for which the constituent agencies are home-rule municipalities with a population of more than 400,000 to license vehicles for hire, including taxicabs, and passenger transportation services providing services to or from the airport for compensation and to impose fees for issuing the licenses. This would apply to Dallas-Fort Worth International Airport.

The bill takes effect immediately.

SB 678 (Nelson) Relating to coordinated county transportation authorities.

SB 678 caps the aggregate liability at \$125 million for a coordinated county transportation authority and a railroad that enter into an agreement to provide public passenger rail services, for all claims for damages arising from a single incident involving the provision of public passenger rail services under the agreement. This applies only to public passenger rail services provided under an agreement between an authority created before January 1, 2005, and a railroad for the provision of public passenger rail services through the use of the railroad's facilities and provided on freight rail lines and rail rights-of-way that are located in the Interstate Highway 35W/Interstate Highway 35 corridor or are a northern extension of existing passenger rail service provided by the authority in the Interstate Highway 35E corridor.

The liability does not affect the amount of damages that may be recovered under statutory provisions relating to a railroad's liability for injuries to employees or the federal Employers' Liability Act or other limitation of liability applicable under other law to an authority or other provider of public passenger rail services. The limited liability does not apply to damages arising from the willful misconduct or gross negligence of the railroad. An authority must obtain insurance coverage for the aggregate liability with the railroad as a named insured.

If a coordinated county transportation authority makes any relocation necessary due to eminent domain, the authority will provide relocation assistance in accordance with certain Property Code provisions.

The board of directors may authorize the negotiation of a contract without competitive sealed bids if the contract is less than the greater of \$50,000 or an amount that would require a municipality to comply with specified Local Government Code provisions relating to competitive requirements for purchases.

The bill takes effect September 1, 2015.

SB 754 (Watson) Relating to the use of money in the Motorcycle Education Fund account for certain motorcycle safety programs.

SB 754 expands the authorized uses of money deposited to the credit of the Motorcycle Education Fund account to include the defrayal of the cost of conducting the motorcyclist safety and share the road campaign.

The bill takes effect September 1, 2015.

SB 1237 (Taylor) Relating to Internet broadcasts of open meetings held by the policy board of a metropolitan planning organization.

SB 1237 requires a MPO that serves one or more counties with a population of 350,000 or more to broadcast live video and audio over the Internet of each open meeting held by the organization's policy board in a manner that complies with provisions of the State Open Meetings Act relating to Internet broadcast of open meetings. MPOs must also make available through the organization's website, the archived video and audio for each meeting for which live video and audio was provided.

The bill takes effect September 1, 2015.

SB 1467 (Watson) Relating to authorizing the collection of a service charge on certain electronic toll collection customer account payments.

SB 1467 allows TxDOT toll customers to make electronic toll account payments. A private entity is allowed to assess a service charge in addition to the amount paid on the TxDOT toll account. The Texas Transportation Commission would set the maximum service charge, which may not exceed \$3.

The bill takes effect September 1, 2015.

SB 1512 (Hancock) Relating to the Texas Department of Motor Vehicles Fund.

SB 1512 re-creates the Texas Department of Motor Vehicles (TxDMV) Fund as a special fund in the State treasury outside the General Revenue Fund to support the operations and duties of TxDMV and all revenue dedicated to the TxDMV will be rededicated. On September 1, 2016, the comptroller is required to transfer \$23 million from the General Revenue Fund to the TxDMV Fund.

The bill would take effect September 1, 2016.

SB 1812 (Kolkhorst) Relating to transparency in the reporting and public availability of information regarding eminent domain authority; providing a civil penalty.

SB 1812 requires the comptroller to create an eminent domain database and make it accessible on a website no later than September 1, 2016. The eminent domain database will include the following:

- 1) the name of the entity
- 2) the entity's address and public contact information
- 3) the name of the appropriate officer or other person representing the entity and that person's contact information
- 4) the type of entity
- 5) each provision of law that grants the entity eminent domain authority
- 6) the focus or scope of the eminent domain authority granted to the entity
- 7) the earliest date on which the entity had the authority to exercise the power of eminent domain
- 8) the entity's taxpayer identification number, if any
- 9) whether the entity exercised eminent domain authority in the preceding calendar year by the filing of a condemnation petition
- 10) the entity's website address or contact information for a member of the public to obtain information from the entity

The database information will be updated at least annually, will be searchable, and a fee will not be charged to the public to access the database. The comptroller may consult with the person representing each entity to obtain the information necessary to maintain the eminent domain database.

Public and private entities authorized by the State to exercise the power of eminent domain will report the required database information to the comptroller no later than February 1 of each

year. Depending on when an entity is created, the report may be submitted at a later date specified in the bill.

If an entity does not submit a timely report, the comptroller will provide written notice to the entity of the violation subject to a penalty of \$1,000. The comptroller may provide a second notice with an additional penalty. The reporting, failure to report, or late submission of a report by an entity does not affect the authority to exercise the power of eminent domain. The comptroller may adopt rules and establish policies and procedures to implement this.

The bill takes effect September 1, 2015.

SJR 5 (Nichols) Proposing a constitutional amendment dedicating a portion of the revenue derived from the State sales and use tax and the tax imposed on the sale, use, or rental of a motor vehicle to the State Highway Fund.

SJR 5 would require the comptroller to deposit \$2.5 billion of general sales tax each year to the State Highway Fund, when the level of sales tax exceeds \$28 billion in that State fiscal year. This takes effect in September 2017 and expires August 31, 2032. The comptroller will then deposit 35 percent of the motor vehicle sales tax each year into the State Highway Fund, when it exceeds the first \$5 billion in that State fiscal year. This takes effect in September 2019 and expires August 31, 2029. The Legislature can vote to extend the expiration and may do so in 10-year increments.

Money deposited to the credit of the State Highway Fund can only be appropriated to construct, maintain, or acquire rights-of-way for public roadways other than toll roads or repay the principal of and interest on general obligation bonds (Prop 12 bonds).

The Legislature can vote to reduce the amount to be deposited into the State Highway Fund by a two-thirds vote, if necessary. The comptroller may be directed to make that reduction only in the State fiscal year in which the resolution is adopted, or in either of the following two State fiscal years, and by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund in the affected State fiscal year.

The ballot will be printed to permit voting for or against the proposition: "The constitutional amendment dedicating certain sales and use tax revenue and motor vehicle sales, use, and rental tax revenue to the State Highway Fund to provide funding for non-tolled roads and the reduction of certain transportation-related debt."

The proposed constitutional amendment will be submitted to the voters at an election to be held November 3, 2015.