

Regional Transportation Council Legislative Program

The best way to build transportation projects is pay-as-you-go

But, funding is not always available when projects need to advance

The second best way to build transportation projects is through the public-sector toll model

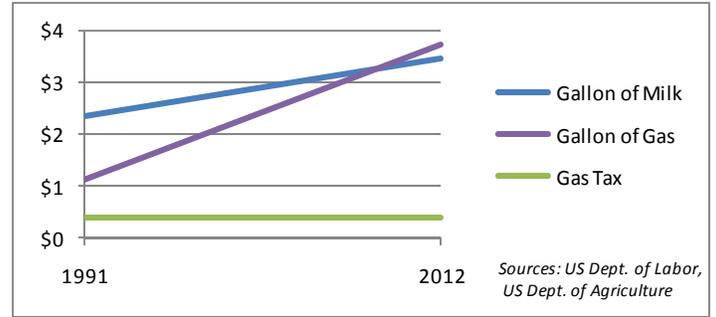
But, bonding capacity may be impacted by existing commitments

If projects must be advanced due to safety, air quality, mobility or economic needs but traditional and public funds are not available, public-private partnerships should be used

Lack of funding for transportation has the following implications:

- Lack of reliability
- Poor air quality
- Loss in business opportunities

Gas tax rates have not kept pace with inflation of commodity prices



Consumer Price Index 1991 - 2012

Since 1991, the purchasing power of transportation revenue has

DECLINED BY 65%

A loss of potential revenue of:

\$750 MILLION/YEAR

Mobility 2035 requires \$1.1 billion per year above current transportation funding levels

The Regional Transportation Council Requests the Texas Legislature Address Transportation Funding

- Additional funding should be leveraged
- All modes of transportation should be eligible to receive additional funding
- Additional funding should be flexible
- Since transportation has both user fee traditions and general revenue benefits, additional funding should come from transportation-related and general revenue sources
- Transportation purchasing power should be restored

The RTC will support the Texas Legislature in finding new revenue

An online spreadsheet tool is available at nctcog.org/trans/legislative to assist in evaluating potential revenue sources

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Legislation to Actively Pursue

1. **Integrate and enforce all existing driving requirements.**
 - Integrate all existing vehicle licenses and registrations such as vehicle registration, emissions inspection, driver's license, vehicle insurance and payments for using toll roads or HOV/managed lanes. Strengthen regulations related to lapse of registration, coverage; enforce penalties.
2. **Retain limited authority for TxDOT to enter into public-private partnerships on specific projects.**
 - SH 360 (south) (Awaiting NTTA concurrence)
 - North Tarrant Express
 - IH 35E/US 67
 - Loop 9
3. **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.**
 - Fully fund LIRAP/LIP by appropriating all revenue collected under the program.
 - Transfer revenue back to the county in which it was generated or alter the inspection program by moving it to the Department of Motor Vehicles, similar to HB 3296 from the 82nd (R) session.
4. **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.

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Legislation to Support

AIR QUALITY

INSPECTION AND MAINTENANCE (I/M) PROGRAM

- Require emissions testing on all 1997 and newer On-Board Diagnostic (OBD) II compliant diesel vehicles.
- 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.

LOW INCOME REPAIR AND REPLACEMENT ASSISTANCE PROGRAM/LOCAL INITIATIVE PROJECTS (LIRAP/LIP)

- Increase total LIRAP/LIP funding to account for new counties implementing I/M programs to ensure sufficient funding is available for project implementation.

LOCALLY ENFORCED IDLING RESTRICTIONS (LEIR)

- Reinstate prohibition of idling near sensitive areas.
- Grant permission to local governments to enforce outside of Memorandum of Agreement (MOA) with TCEQ.
- Prohibit idling at schools for both buses and cars.
- Remove 30 minute bus exemption for idling in school zones.
- Include lighter-duty vehicles of 6,000 GVWR and greater in idling restrictions.

TEXAS EMISSIONS REDUCTION PLAN (TERP)

- Fully fund TERP for currently authorized and future fiscal years 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), a secondary focus (i.e. open up eligibility of Texas Clean School Bus Program to include NO_x reduction technology – retrofits, repowers, and/or replacements).
- Change “cost-effectiveness” to “cost-per-ton” when quantifying emissions reduction incentives.
- Allow funding eligibility for on-site idle reduction projects (i.e. truck stop electrification sites) and on-board idle reduction activity (i.e. auxiliary power units) 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.
- Expand the scope of the Texas Clean Fleet Program to include replacement of non-road equipment with hybrid or alternatively fueled non-road equipment.

- Ensure that the majority of TERP 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.
- Allow TERP administrative funds to be used for staff time for third-party TERP grants to administer local call for projects.

PAY-AS-YOU-DRIVE AUTO INSURANCE (PAYD)

- Support a pay-as-you-drive, usage-based auto insurance; encourage the use of various types of mileage data collection technology; ensure market remains open to all insurance companies to offer usage-based insurance.

ELECTRIC VEHICLES NORTH TEXAS (EVNT)

- Permit the Texas Department of Transportation (TxDOT) to include fee-based plug-in electric vehicle charging stations and truck stop electrification sites at the State's safety rest stops along the Texas highways that join the three mega-regions (Dallas/Fort Worth, Houston, and Austin/San Antonio).
- Develop a workable, equitable road use fee for plug-in electric vehicle (PEV) owners to participate in gasoline tax-like highway funding, such as a mileage-based fee or higher registration fee, rather than a fuel tax.

NON-ROAD/MISCELLANEOUS

- Establish a registration program for non-road equipment such as construction and agricultural machinery.
- Shift to a VMT tax rather than a fuel tax 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.
- Ensure that all local governments have the authority to charge a roadway maintenance impact fee for natural gas drilling trucks that contribute to premature deterioration of roadways.
- Create a uniform code/standard for road signage identifying truck stop electrification (TSE) sites and incorporate the way-finding signs for these TSE sites into the TxDOT's LOGO program (specific service blue highway signage).

CONGESTION MANAGEMENT & SYSTEM OPERATIONS

Improve the safety and efficiency of freeway incident management:

- Recognize mobility assistance patrols as emergency responders as it relates to traffic incident response; comparable to the inclusion of tow-trucks in the move-over law.
- 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.
- 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.
- Maintain local authority to implement red-light cameras and maintain current revenue sharing with the State.

- Establish a daytime automobile insurance checkpoint program with guidance for equitable implementation.
- Revise current Graduated Driver License (GDL) Program language to remove the implication that using a wireless communication device while driving is acceptable after 12 months of driving.
- Support the adoption of a statewide three feet 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.

Travel Demand Management:

- Establish a program to allow the State to provide a tax credit to businesses that offer trip reduction strategies (carpool, vanpool, bike walk, transit, shuttle services, telecommute or telework center) to their employees, similar to federal credits that are currently offered for trip reduction strategies.

Intelligent Transportation System:

- 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.

System Operations:

- Allow the implementation of the use of shoulders for vehicles in a D-FW area corridor during the peak period as a pilot. Evaluate the effectiveness of the project and determine if it could be implemented on a broader level.
- Allow the use of technology to enforce HOV/managed lane vehicle occupants.

AVIATION

Enhance opportunities to link transportation and land use surrounding military installations and public use airports:

- Establish compatible land use regulations for public use airports to minimize the effects of urban encroachment.
- Provide additional funding mechanisms to support airport development for public use airports to meet future demand.
- Support legislation that promotes compatible growth that lessens the impact on military installations and provides enhanced options for cities and counties to manage growth.
- Support legislation that provides tools that can be used at the local level to promote compatible growth around military installations and public use airports such as:
 - Protecting the voluntary participation of coordination efforts by governmental entities surrounding military installations and public use airports;
 - Enhancing communication efforts for new potential residents that may be affected by military and public use airport operations;
 - Expanding existing municipal authority within the extra-territorial jurisdiction of unincorporated areas within noise contours; and
 - Creating effective requirements for notification, analysis and consultation for certain proposed activities that may adversely affect military and/or public use airport operations (e.g. wind turbines, communications towers, etc.) between project developers, military bases, public use airports and city and county officials.

- Support legislation that establishes organizational structures to accomplish these objectives that are voluntary collaborations of local entities rather than top-down mandated structures.

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 funding programs/initiatives that maintain current investments or increase investments in bicycle and pedestrian infrastructure and non-infrastructure projects.
- Support regional coordination between local governments, transit authorities and funding streams, such as a regional policy board or committee, for land acquisition and transportation infrastructure around rail stations.
- Support a regional structure to coordinate planning issues such as school locations, land use and infrastructure integration between independent school districts, municipalities and counties.

ADMINISTRATIVE

- 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.
- 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.

PLANNING

- Require conservation planning agencies, collectively known as "resource agencies," to participate in the transportation planning consultation process during long-range transportation planning in order to 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 metropolitan planning organizations to develop criteria for Rider 42.
- Require notification of natural gas well drilling when the action will occur within certain distance of Interstate Highways, State Highways or passenger rail facilities.

Legislation to Monitor

- Re-establish the authority to enter into public-private partnerships for railroad projects
- Oppose legislation permitting triple-tandem trucks on state highway facilities
- 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 trail systems or other locally adopted trail plans or greenways.
- Monitor the uses of Medicaid funding to ensure that smaller transit agencies are able to continue to use this funding as a transit match.
- Monitor the State funds that are set aside for transit entities to confirm that the funds are being used by its intended recipients.
- 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.