

## Legislative Update

### **Background**

#### *Overview of 81<sup>st</sup> Session of the Texas Legislature*

The 81<sup>st</sup> session of the Texas Legislature left several transportation questions unanswered.

- The TxDOT sunset extension bill failed in the final days of the legislative session. Consequently, TxDOT's authorization will expire before the next regularly scheduled session, unless addressed in a special session.
- The failure of the TxDOT sunset extension brought with it the failure of efforts to make changes to the Texas Transportation Commission, MPO policy board membership, TxDOT district alignments and the attempts to repeal all mention of the Trans-Texas corridor
- Additionally, the various efforts to enact local option transportation funding all failed

While many bills were left unfinished, several were passed

- The Budget passed and provides \$14 billion to TxDOT over two years, \$2 billion less than the current budget biennium. The \$2 billion reduction is a result of Prop. 12 funds being withheld due to stalled enabling legislation that would have authorized the funds to be spent. Additionally, the budget provides \$182 million to the rail relocation program, provided the Comptroller issues a finding that the net increase in the 2010-2011 budget is greater than \$182 million.
- 19 eminent domain bills were passed, creating various municipal utility districts, water control and improvement districts and coastal erosion study authorities, and supplying limited powers of eminent domain. Harris, Montgomery, Waller and Fort Bend counties had municipal utility districts, and water control and improvement districts created in this session of the legislature.
  - Additionally, the Legislature passed a resolution calling for a constitutional amendment to provide greater protection of private property.
- A bill requiring MPO policy boards to adopt ethics requirements into their bylaws passed
- A bill that modifies the appointments of the Public Transportation Advisory Commission passed
- Deirdre Delisi, Edward Houghton, William Meadows, and Fred Underwood were all confirmed as members of the Texas Transportation Commission.

#### *H-GAC Region Specific Legislation*

- The Gulf Coast Freight Rail district has been allowed to engage in intercity rail service
- The Houston Ship Channel Security District has been granted authority to contract with TxDOT to use TxDOT property to meet the Security District's goals.

Safety Bills

- 10 safety bills passed this session, they are:
  - HB 55 – Use of Wireless Devices in School Zones
  - SB 61 – Child Booster Seats up to Age 8
  - HB 339 – Increases teen driving instruction; prohibits teen use of wireless devices
  - HB 548 – Impound of vehicles involved in racing
  - SB 488 – Safe Passing of “vulnerable road users”
  - HB 1343 – Yielding ROW to blind/disabled (upped fines)
  - HB 2682 – Allows for speed limit reduction to 25mph
  - SB 1967 – Motorcycle training requirement for license
  - SB 333 – Retention of DWI Court fees for BAC testing
  - HB 537 – Use of safety belts in passenger vans
  
- 10 safety related bills were introduced but did not pass this session, they are:
  - HB 169– Sobriety Checkpoints
  - HB 300 – Repeal of Red Light Cameras
  - HB 738 – Offense of Inattentive Driving (doubling fines)
  - HB 758 – Offense of Driving while Texting
  - HB 1983 – Offense of Aggravated DWI (BAC  $\geq$  0.16)
  - HB 1323 – Seat belt requirement for all individuals
  - HB 4061 – Ignition interlock requirement for probation
  - SB 374 – Ban on automated speed enforcement
  - SB 506 – Allowing “Lane Splitting” for Motorcyclists
  - HB 747 – Allows Police to take Blood/Breath samples

Bike Specific Legislation

Two bills of particular interest to the biking community passed in the legislative session

- HB 783, provides legal immunity to public utilities that sign agreements with political subdivisions of the state to allow public access to utility premises, if the political subdivision has sufficient liability insurance. The bill applies to El Paso County and municipal management districts located in the city of Houston.
- SB 488, provides requirements for how motor vehicle operators can pass “vulnerable road users” and criminal penalties for motor vehicle operators who fail to comply with the provisions for safe passage

Federal Issues

- Administration officials are predicting Highway Trust Fund shortfalls by the end of the current Federal Fiscal Year (September 30, 2009). Senator Barbara Boxer, chair of the Senate EPW Committee charged with writing the Highway Reauthorization legislation, has said that the Trust Fund will require \$5 to \$7 billion to continue operating this fiscal year.

## **TPC Agenda Item 11**

**Mailout – 06/19/09**

- The Obama Administration recently released a proposal to enact an 18-month federal transportation bill. The stated primary purpose of the shortened reauthorization is to address the looming Highway Trust Fund shortfall.

### **Current Situation**

In state legislative matters, Governor Perry has indicated he will call a special session of the legislature to address the pending sunset matters.

In federal legislative matters, it is widely expected that the House of Representatives will address energy and climate change legislation before the August recess. Provisions of that legislation may affect Transportation planning.

### **Action Required**

Information only.