

TMCCP Presents
Legislative Update Seminar

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HANDOUT FOR

“Environment & Transportation”

with speaker Natasha Martin

Associate Attorney, Graves Dougherty Hearon & Moody

TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM

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CITY-RELATED TRANSPORTATION AND ENVIRONMENTAL LEGISLATION

TEXAS MUNICIPAL CLERKS ASSOCIATION

2017 LEGISLATIVE UPDATE

BY NATASHA J. MARTIN



I. Introduction

- Texas A&M University, Bioenvironmental Sciences, 2005
- TCEQ, Air Permit Reviewer, 2006 - 2009
- Florida State University, JD, Land Use & Environmental Law, 2012
- Municipal Attorney, Bojorquez Law Firm, 2012 – 2016
- Environmental and Utility Attorney, Graves Dougherty Hearon & Moody, 2016 - present



II. Overview

- Transportation Bills
 - Transportation Network Companies (TNCs)
 - Weight Limits
 - Sunset Bill
 - Beautification Act
 - Automated Vehicles
- Environmental
 - Funding
 - Legal
 - Water Conservation
 - Water Rights
 - Air Emissions
 - Special Districts
- Special Session Update



III. Transportation



Transportation

Transportation Network Companies (TNCs)

H.B. 100 (Paddie/Schwertner)



- Preempts a city's authority to regulate TNCs
- Effective immediately



Transportation

Funding

H.B. 1140 (Anderson/Hinojosa)

- For state transportation funding, defines:
 - "large urbanized area" as an urbanized area with a population of 200,000 or more, and
 - "small urbanized area" as an urbanized area with a population of less than 200,000
- Effective September 1, 2017



Transportation

Weight

- H.B. 2319/S.B. 1102 (Creighton/Paddie)
 - Max 82,000 pounds
 - Effective immediately
- S.B. 1383 (Perry/ K. King)
 - No local permits for milk trucks if state-permitted
 - Effective January 1, 2018



Transportation



Transportation

Texas Highway Beautification Act

S.B. 2006 (Watson/Morrison)

- *Auspro Enterprises v. Texas Department of Transportation*
- Act applies only to a “commercial sign”
- Effective immediately



Transportation

Automated Driving Systems (ADS)

S.B. 2205 (Hancock/Geren)

- Preempts a city's authority to regulate ADSs
- A licensed human operator is not required if the ADS is engaged
- Effective September 1, 2017



Transportation

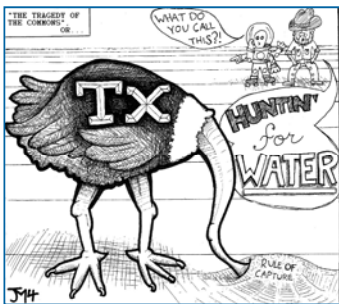
Sunset Bill: Texas Department of Transportation

S.B. 312 (Nichols/L. Gonzales)

- Signs no higher than 85ft
- Accident report by peace officer
- Red light photo enforcement annual report
- Considerations for selecting transportation projects
- Purchase agreements with cities for aesthetic entrances to cities along highways
- Effective September 1, 2017



IV. Environmental



Environmental

Funding

H.B. 544 (Anderson/Hinojosa)

- TWDB can assist rural political subdivisions with water planning from the Rural Water Assistance Fund
- Effective immediately



Environmental

Legal

H.B. 2533 (Geren/Estes)

- Cities provide notice to the AG and the TCEQ ED before filing a civil litigation lawsuit against a bad environmental actor
- File suit on or after 90 days after notice unless TCEQ or AG has filed claim (45 days in some cases)
- Claims under chapter 7 of the Water Code
- Effective September 1, 2017



Environmental

Legal Cont'd - Outdoor Burning

H.B. 1619(Shine/Buckingham)

- Outdoor burning that violates a TCEQ rule and city ordinance, prosecute under city ordinance
- Exception for subsequent violations or heavy oils
- Effective September 1, 2017



Environmental

Water Conservation

H.B. 1573

(Price/Creighton)

- Cities to conduct water loss audits by trained professional
- Training should be on TWDB website
- Effective September 1, 2017

H.B. 1648 (Price/Seliger)

- Cities to designate a water conservation coordinator in the water conservation plan if serve 3,300 or more connections
- Effective September 1, 2017



Environmental

Water Conservation Cont'd

H.B. 965 (Springer/Perry)

- City utility can require a correctional facility receiving water from the city to comply with the city's water conservation plan
- Possible health and safety exceptions for facility
- Effective immediately



Environmental

Desalination and Water Rights

H.B. 3735 (Frank/Rodriguez)/ S.B. 1430 (Perry/Lucio)

- Water rights holder that begins using desalinated seawater after acquiring the water right has a right to expedited consideration of an application to amend the water right, if certain conditions are met.
- Effective September 1, 2017



Environmental

Air Emissions Reductions

S.B. 1731 (Birdwell/Meyer)

- Texas Emissions Plan Reduction Fund to be abolished
- Originally created to reduce NOx in non-attainment and near non-attainment areas (i.e., Houston and Austin)
- A new program is required to assist cities in purchasing or leasing new vehicles that operate on an alternative fuels



Environmental

Where the MUD districts are

Sixty-five percent of the 949 municipal utility districts in Texas are in Harris, Fort Bend, and Montgomery Counties.

Montgomery County	85
Fort Bend County	146
Harris County	389

Source: Texas Commission on Environmental Quality

Houston Chronicle



Environmental

Special Districts

S.B. 2014 (Creighton/Schubert)

- TCEQ may approve the creation of a special district in any portion of the land covered by the city's consent to create the district.
- Legislature may create and validate the creation of a district in any portion of the land covered by the city's consent to create the district.
- Effective September 1, 2017



Special Session Update



VI. Summary and Wrap-Up

Helpful Links

Texas Commission on Environmental Quality

<https://www.tceq.texas.gov/>

Texas Department of Transportation

<http://www.txdot.gov/>

Texas Administrative Code

[http://texreg.sos.state.tx.us/public/readtac\\$ext.viewtac](http://texreg.sos.state.tx.us/public/readtac$ext.viewtac)