

TEXAS MUNICIPAL LEAGUE
LEGISLATIVE POLICY COMMITTEE ON
UTILITIES AND TRANSPORTATION

Summary of Actions Taken
May 18, 2012

1. Water Conservation/Irrigation

The Committee voted to recommend that TML **oppose** legislation that would impose mandatory water conservation measures on cities.

The Committee voted to recommend that TML **oppose** legislation that would impose on cities any additional mandates relating to irrigation/sprinklers.

2. State Water Plan Funding

The Committee voted to recommend that TML **oppose** legislation that would impose state “tap fees” or any other type of state charge on municipal water systems.

3. Environmental Flows

The Committee voted to recommend that TML **take no position** on legislation that would relate to environmental flows.

4. Right-of-Way Compensation

The Committee voted to recommend that TML **oppose** legislation that would decrease the authority of a city to be adequately compensated for the use of its rights-of-way.

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority over the management and control of rights-of-way.

5. State Cable Franchises

The Committee voted to recommend that TML **oppose** state or federal legislation or rules that would negatively affect the provisions of Chapter 66 of the Utilities Code, which relates to state-issued cable franchises.

6. Utility Relocation

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority to require utility companies to pay the costs of relocating their facilities in a timely manner as required by current law.

The Committee voted to recommend that TML **support** legislation that would:

- a. impose time restrictions on the relocation of utility facilities for municipal projects.
- b. clarify that alleys are considered “streets” in the context of municipal utility relocation requirements.
- c. provide a city the authority to impose a local tariff to offset the costs to a utility of undergrounding its facilities.

7. MOU Electric Rates for Schools

The Committee voted to recommend that TML **oppose** legislation that would impose mandatory discounts for public schools and/or the partial or whole deregulation of municipal electric utilities.

8. MOU Fund Transfers

The Committee voted to recommend that TML **oppose** legislation that would limit transfers to a city’s general fund from its municipally owned utilities.

9. Solid Waste Franchises

The Committee voted to recommend that TML **oppose** legislation that would limit a city’s authority to enter into a solid waste franchise.

10. Municipal Drainage Utilities

The Committee voted to recommend that TML **oppose** legislation that would exempt any entity from paying municipal drainage fees.

11. Gas Wells

The Committee voted to recommend that TML **support** legislation that would:

- a. increase state authority over air emissions or water quality as those items relate to gas development, so long as municipal authority in those areas is not eroded.

- b. grant cities or counties additional authority to regulate gas wells in a city's extraterritorial jurisdiction (ETJ), so long as municipal authority in the ETJ remains superior to that of the county.

The Committee voted to recommend that TML **oppose** legislation that would:

- a. establish model rules relating to municipal regulation of gas wells, gas pipelines, or other gas-related equipment, unless the legislation or rules apply to only county regulation in the unincorporated area of the county.
- b. weaken the ability of cities to regulate gas wells, gas pipelines, or other gas-related equipment.

12. **Gas Pipelines – Eminent Domain**

The Committee voted to recommend that TML **endorse** legislation that would grant appellate jurisdiction over an interlocutory appeal relating to eminent domain from a probate court.

13. **PUC/RRC Sunset**

The Committee voted to **oppose** legislation that would, with regard to state agency sunset or related legislation, adversely affect the interests of cities, including but not limited to their ability to intervene on matters before a state commission or a court of law.

14. **Utility Rate Cases**

The Committee voted to **refer to a subcommittee** issues related to utility rate case lobbying and substantive rate case issues.

15. **Billboards**

The Committee voted to recommend that TML **oppose** legislation that would erode municipal authority over billboards or that would place any unfunded mandate on cities relating to billboards.

16. **Local Transportation Funding**

The Committee voted to recommend that TML **support** legislation that would:

- a. allow for greater flexibility by cities to fund local transportation projects; amend or otherwise modify state law to help cities fund transportation projects; or provide municipalities with additional funding options and resources to address transportation needs that the state and federal governments are unable or unwilling to address.

- b. discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation.
- c. provide additional funding to the Texas Department of Transportation for transportation projects that would benefit cities, so long as existing funding formulas are followed.

17. **Complete Streets**

The Committee voted to recommend that TML **endorse** legislation that would provide for voluntary complete streets participation, but that TML **oppose** legislation that would impose mandatory complete streets requirements on cities.

18. **Other Business**

The Committee voted that TML should join H204Texas, so long as that organization's mission does not run afoul of the League's legislative program.

The Committee asked staff to provide briefing related to tire disposal and to place the issue on the August 24 General Government meeting agenda.