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**FEDERAL AND STATE LEGISLATION AND POLICIES  
RELATING TO TRANSIT IN TEXAS**

By

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Research Report 1990-I

Research Study 2-11-91-1990-I

Sponsored by

**Texas Department of Transportation**

**Texas Transportation Institute  
The Texas A&M University System  
College Station, Texas 77843**

September 1991

# METRIC (SI\*) CONVERSION FACTORS

## APPROXIMATE CONVERSIONS TO SI UNITS

Symbol	When You Know	Multiply By	To Find	Symbol
<b>LENGTH</b>				
in	inches	2.54	centimetres	cm
ft	feet	0.3048	metres	m
yd	yards	0.914	metres	m
mi	miles	1.61	kilometres	km

<b>AREA</b>				
in <sup>2</sup>	square inches	645.2	centimetres squared	cm <sup>2</sup>
ft <sup>2</sup>	square feet	0.0929	metres squared	m <sup>2</sup>
yd <sup>2</sup>	square yards	0.836	metres squared	m <sup>2</sup>
mi <sup>2</sup>	square miles	2.59	kilometres squared	km <sup>2</sup>
ac	acres	0.395	hectares	ha

<b>MASS (weight)</b>				
oz	ounces	28.35	grams	g
lb	pounds	0.454	kilograms	kg
T	short tons (2000 lb)	0.907	megagrams	Mg

<b>VOLUME</b>				
fl oz	fluid ounces	29.57	millilitres	mL
gal	gallons	3.785	litres	L
ft <sup>3</sup>	cubic feet	0.0328	metres cubed	m <sup>3</sup>
yd <sup>3</sup>	cubic yards	0.0765	metres cubed	m <sup>3</sup>

NOTE: Volumes greater than 1000 L shall be shown in m<sup>3</sup>.

## TEMPERATURE (exact)

°F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C
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## APPROXIMATE CONVERSIONS TO SI UNITS

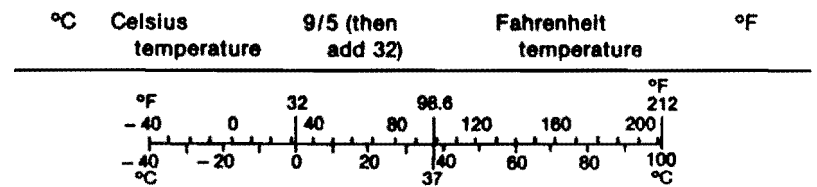
Symbol	When You Know	Multiply By	To Find	Symbol
<b>LENGTH</b>				
mm	millimetres	0.039	inches	in
m	metres	3.28	feet	ft
m	metres	1.09	yards	yd
km	kilometres	0.621	miles	mi

<b>AREA</b>				
mm <sup>2</sup>	millimetres squared	0.0016	square inches	in <sup>2</sup>
m <sup>2</sup>	metres squared	10.764	square feet	ft <sup>2</sup>
km <sup>2</sup>	kilometres squared	0.39	square miles	mi <sup>2</sup>
ha	hectares (10 000 m <sup>2</sup> )	2.53	acres	ac

<b>MASS (weight)</b>				
g	grams	0.0353	ounces	oz
kg	kilograms	2.205	pounds	lb
Mg	megagrams (1 000 kg)	1.103	short tons	T

<b>VOLUME</b>				
mL	millilitres	0.034	fluid ounces	fl oz
L	litres	0.264	gallons	gal
m <sup>3</sup>	metres cubed	35.315	cubic feet	ft <sup>3</sup>
m <sup>3</sup>	metres cubed	1.308	cubic yards	yd <sup>3</sup>

## TEMPERATURE (exact)



These factors conform to the requirement of FHWA Order 5190.1A.

\* SI is the symbol for the International System of Measurements

## **ABSTRACT**

This report provides a summary of the requirements associated with four federal and four state legislative programs that affect transit systems in Texas. For each program, an overview of the legislation is provided, along with the specific requirements and deadlines. The potential effect on transit systems and the approaches that can be used to meet the requirements are discussed. A contact listing for additional information is also provided.

The federal and state programs included in this report are: 1) the 1990 Americans with Disabilities Act (ADA); 2) the 1990 Clean Air Act Amendments; 3) the Environmental Protection Agency Storm Water Discharge Permitting Process; 4) the Urban Mass Transportation Administration Uniform System of Accounts and Records and Reporting System; 5) the Texas General Land Office Alternative Fuel Program; 6) legislation creating the Texas Department of Transportation; 7) legislation establishing a Public Transportation Advisory Committee within the Texas Department of Transportation; and 8) legislation creating a Health and Human Services Transportation Planning Office in the Governor's Office.

**Key Words:** Transit, Americans with Disabilities Act, Clean Air Act Amendments, EPA Storm Water Discharge Permitting Program, Alternative Fuels, and Texas Department of Transportation.

## **IMPLEMENTATION STATEMENT**

This study was sponsored by the Texas Department of Transportation. The principal objective of the study was to examine recent federal and state legislation and policies relating to transit systems in Texas. Information is provided on four federal programs and four state programs. These are: 1) the 1990 Americans with Disabilities Act (ADA); 2) the 1990 Clean Air Act Amendments; 3) the Environmental Protection Agency Storm Water Discharge Permitting Process; 4) the Urban Mass Transportation Administration Uniform System of Accounts and Records and Reporting System; 5) the Texas General Land Office Alternative Fuel Program; 6) legislation creating the Texas Department of Transportation (TxDOT); 7) legislation establishing a Public Transportation Advisory Committee within TxDOT; and 8) legislation creating a Health and Human Services Transportation Planning Office in the Governor's Office.

The main focus of each program is described and the specific requirements and deadlines are outlined. The potential effect of the programs on transit systems and the approaches that can be used to meet the requirements are discussed. This information should be of use to transit systems and others in Texas in understanding the requirements and schedules of these programs.

## **DISCLAIMER**

The contents of this report reflect the views of the author who is responsible for the opinions, findings and conclusions presented herein. The contents do not necessarily reflect the official views or policies of the Urban Mass Transportation Administration or the Texas Department of Transportation. This report does not constitute a standard, specification, or regulation.

## TABLE OF CONTENTS

	Page
Abstract . . . . .	iii
Implementation Statement . . . . .	v
Disclaimer . . . . .	v
<b>I. Introduction . . . . .</b>	<b>1</b>
<b>II. Summary of Key Federal and State Legislation Affecting Transit in Texas . . . . .</b>	<b>3</b>
<b>Federal Legislation . . . . .</b>	<b>3</b>
Americans with Disabilities Act of 1990 . . . . .	3
1990 Clean Air Act Amendments . . . . .	12
Environmental Protection Agency Storm Water Discharge Program . . . . .	19
Uniform System of Accounts and Records and Reporting System . . . . .	22
<b>State Legislation . . . . .</b>	<b>26</b>
Texas Department of Transportation . . . . .	26
Public Transportation Advisory Committee . . . . .	29
Health and Human Services Transportation Planning Office in the Governor’s Office . . . . .	31
Alternative Fuels Program . . . . .	33
<b>III. Conclusion . . . . .</b>	<b>37</b>
<b>IV. References . . . . .</b>	<b>38</b>

## I. INTRODUCTION

The provision of public transportation services in Texas is covered by numerous federal, state, and local legislation, policies, and programs. Recent federal and state legislation and policy directives contain specific requirements directly relating to transit agencies and operators. Further, transit systems are expected to play major roles in assisting many areas meet other federal and state standards. Providing an overview of these requirements and examining the approaches transit systems can use to respond to the requirements was identified as a priority research need by the Texas Transportation Institute's (TTI's) Transit Research Task Force.<sup>1</sup> An initial review of federal and state legislation and policy directives affecting transit has been conducted by TTI through funding from the Texas Department of Transportation (TxDOT).

This report documents the results of this initial review. The requirements associated with four federal and four state legislative programs are examined. These are: 1) the 1990 Americans with Disabilities Act (ADA); 2) the 1990 Clean Air Act Amendments; 3) the Environmental Protection Agency (EPA) Storm Water Discharge Permitting Program; 4) the Urban Mass Transportation Administration Uniform System of Accounts and Records and Reporting System; 5) the Texas General Land Office Alternative Fuel Program; and 6) recent state legislation creating the Texas Department of Transportation (TxDOT); 7) establishing a Public Transportation Advisory Committee within TxDOT; 8) and creating a Health and Human Services Transportation Planning Office in the Governor's Office. In each case, a brief summary of the legislation is provided first. This is followed by a description of the purpose, specific requirements, and schedules associated with the program. The potential effect on transit systems and the approaches that can be used to meet the requirements are discussed next. Finally, a contact listing for additional information on each program is provided. In some cases, such as EPA's Ground Water Discharge Program and elements of the 1990 Clean Air Act Amendments, final regulations have not yet been promulgated. In these instances, the current

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<sup>1</sup>The list of priority transit research activities is contained in *Draft Texas Transit Research Agenda*, Texas Transportation Institute, July 1991.

status of the rule making process is provided, along with the anticipated schedule for the final regulations.



## **II. SUMMARY OF KEY FEDERAL AND STATE LEGISLATION AFFECTING TRANSIT IN TEXAS**

Four federal and four state legislative programs are examined in this section. A common format is used to provide information on the program name, the implementing agency, a summary of the major elements, the specific requirements and timelines, the potential impact on transit systems and approaches that can be used to meet the requirements, and contacts for additional information.

### **FEDERAL LEGISLATION**

#### **Americans with Disabilities Act of 1990**

##### **Program Title**

Americans with Disabilities Act (ADA) of 1990: Public Law 101-336

##### **Implementing Agencies**

The ADA requires the development, issuance, implementation, and enforcement of regulations by the following five federal agencies.

- Department of Transportation (DOT)
- Equal Employment Opportunity Commission (EEOC)
- Department of Justice (DOJ)
- Federal Communications Commission (FCC)
- Architectural and Transportation Barriers Compliance Board (ATBCB)

##### **Summary**

The Americans with Disabilities Act (ADA) of 1990 represents a far reaching law designed to prohibit discrimination against individuals with physical or mental disabilities. The

ADA covers areas relating to business, employment, mass transportation, and communications. Approved by large majorities in the House of Representatives and Senate, 377-28 and 91-6 respectively, the ADA was signed into law by the President on July 26, 1990.

The Act was designed to address the estimated 43 million Americans with one or more physical or mental disabilities. As stated in the Act, the ADA:

was enacted to address the problem of discrimination against individuals with disabilities in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services. The purpose of the Act is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life; to provide enforceable standards addressing discrimination against individuals with disabilities; and to ensure that the federal government plays a central role in enforcing these standards on behalf of individuals with disabilities (ADA, Paragraph 10, 1990).

The Act contains a number of requirements associated with employment, the provision of transit services, transit facilities, and the communication of transit information. In addition to the standards and guidelines set forth in the Act, the ADA also requires that the responsible federal agencies promulgate and issue specific rules necessary to implement certain provisions. According to the ADA guidelines these rules were to have been finalized by July 26, 1991. By the end of August, 1991, final rules had been issued by the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC). The Department of Transportation (DOT) issued a notice of proposed rule making (NPRM) in April of 1991. After reviewing the comments received on the proposed rules, final regulations were issued in September of 1991. The Architectural and Transportation Compliance Board also issued final accessibility guidelines for buses, rail cars, and transit facilities in September 1991. These guidelines are incorporated as accessibility standards into the final DOT regulations. Therefore, the requirements and timelines outlined are based on the final regulations from the DOJ, EEOC, and DOT.

## **Requirements and Timelines**

### *Employment*

Title I of the Act addresses prohibitions against discrimination on the basis of employment with respect to hiring and all terms, conditions, and privileges of employment by employers, employment agencies, labor organizations, or joint labor-management committees. The Equal Employment Opportunity Commission (EEOC), the federal agency responsible for aspects of the law relating to employment, issued regulations that become effective on July 26, 1992. Transit agencies and service providers are covered by these rules. Employers with 25 or more employees must meet the requirements by the scheduled date of July 26, 1992, while those with 15 or more have until July 26, 1994 to conform.

The Act and the final EEOC rules include definitions for a number of important terms. These include the "essential functions" or "fundamental duties" of a job, determining if an individual meets the requirements to perform these duties, and "reasonable accommodations." The definitions in the final rules represent some changes from the proposed regulations issued earlier in the year. The key elements of these definitions and other requirements relating to the employment aspects of the ADA are outlined below.

- The essential functions of a job are defined as the fundamental job duties. The regulations note that the essential functions do not include the "marginal" functions of a job. Rather, they must relate specifically to the basic activities necessary to perform the job. While written job descriptions are not required by the regulations, they may be relevant in determining a position's essential functions.
- The first step in determining if an individual with a disability is a qualified individual with a disability is to determine whether the individual satisfies the requisite skills, experience, education, and other job-related requirements.
- An employer is obligated to make reasonable accommodation for the known physical or mental limitations of an otherwise qualified individual with a disability, unless this would impose an undue hardship on the operation of the employer's business. Reasonable accommodations include modifications and adjustments to enable an employee with a disability to enjoy benefits and privileges that are equal to those of other employees. Providing personal assistants to help with specific job duties, job restructuring, and providing an

individual with a disability the option of paying the portion of the cost associated with a needed change that constitutes the undue hardship, all must be considered.

- Selection criterion that is not job-related and consistent with business necessity violates the regulations only when it screens out an individual with a disability on the basis of disability. A selection criterion that screens out an individual with a disability for reasons that are not related to the disability does not violate the regulations.
- An employer may not inquire about an individual's worker's compensation history in the pre-offer stage. However, an applicant may be asked to describe or demonstrate how they will perform job-related functions. In addition, employee medical examinations and inquiries that are job-related and consistent with business necessity are allowed, with the information treated as a confidential medical record.
- The enforcement provisions of the employment section of ADA are those set forth in the Civil Rights Act of 1964. Thus, the powers, remedies, and procedures available to persons discriminated against based on disability are the same as, and parallel to, the powers, remedies, and procedures available to persons discriminated against due to their race, color, religion, sex or national origin.

The Department of Justice (DOJ) regulations, which are effective on January 26, 1992, implement the Title II provisions prohibiting discrimination against individuals with disabilities in the provision of state and local government services. The regulations provide that those aspects relating to the provision of public transit services will be governed by the requirements issued by the Department of Transportation. Those activities not covered by the Department of Transportation fall under the Department of Justice regulations. These include the provision of auxiliary aids to provide information and the provision of curb cuts and curb ramps with new sidewalks and streets.

#### *Provision of Public Transportation Services*

The U.S. Department of Transportation (DOT), the federal agency responsible for implementing the public transportation requirements of the ADA, issued final regulations on August 22, 1991. These differ in some important ways from the draft regulations issued in April. The regulations address the requirements contained primarily in Title II, *Public Services*,

and Title III, *Public Accommodations and Services Operated by Private Entities*. The major requirements from the regulations issued by the U.S. DOT and the key elements of Title II and Title III are summarized below.

- The provisions of the ADA relating to the delivery of public transit services apply to both public and private entities that provide transportation services, regardless of whether they receive federal funds. Thus, the requirements cover services provided directly by public operators and those operated under contract to or by other arrangement for a public entity. In this respect, private providers are viewed as "standing in the shoes" of the public entity and must comply with all relevant provisions.
- The regulations require that all new transit vehicles for use on fixed-route systems be accessible and useable by individuals with disabilities, including individuals who use wheelchairs. All vehicle solicitations made after August 26, 1990 must be for accessible vehicles.
- Accessible vehicles must be repaired promptly and returned to service within three days for large systems and five days for smaller systems to prevent reduction in service.
- All entities must transport all persons using common wheelchairs. While the operator may require that individuals in wheelchairs use the transit vehicle's securement devices, service can not be denied because the securement system does not secure the wheelchair satisfactorily. Transferring the individual to a vehicle seat may be suggested, but is not required. In addition, standees must be allowed to use the wheelchair lifts.
- Rehabilitated buses, defined as rebuilding a bus to original specifications in terms of the mechanical systems and interior, do not have to be made accessible. Remanufactured vehicles, defined as structurally restoring or rebuilding major components to extend the service life of a vehicle, do have to be made accessible.
- Historic vehicles do not have to be made accessible if they meet the following three criteria: (1) the vehicle is of historic character; (2) it operates solely on a segment of a fixed-route system on the National Register of Historic Places; and (3) making the vehicle accessible would significantly alter its historic character.
- The regulations require that an entity must ensure that adequate information and assistance is available to persons with disabilities. This includes providing braille schedules for the blind within 30 days. Stops must be announced at major intersections and transfer points, or on a passenger's request.

- Except for systems that provide only commuter bus service, airport parking lot shuttles, university bus systems, and bus-to-rail operations, all transit systems that operate fixed-route service will be required to provide paratransit or other specialized service to individuals with disabilities. This service must be "comparable to the level of service provided to individuals without disabilities who use the fixed-route system." The regulations establish the following criterion and guidelines for the paratransit service.
  - Service must be provided to all origins and destinations within a given width on each side of any fixed-route. The definition of the area to be covered, which was changed from the proposed rule, is three-quarters of a mile on each side of a bus route. In addition, small areas surrounding these corridors must be included, and in some cases, further coverage may be required.
  - The paratransit service must operate the same general hours and days as the fixed-route system.
  - No restrictions can be placed on trip purpose.
  - If advanced reservation scheduling is used, "next day service" must be provided. The reservation system must be open during normal business hours. Further, the reservation system must be open comparable hours on a day that is prior to a regular service day, even if the transit system offices are not open.
  - The base fare must be comparable to the regular-route base fare and may not exceed twice the fare for a similar fixed-route trip.
  - "Capacity constraint" mechanisms, such as waiting lists, limits on the number of trips per individual, excessively long trip times, repeated denials of trip requests due to lack of space, and poor on-time performance, are prohibited.
  - Pick up times may be negotiated with passengers, but a provider cannot insist that a trip begin more than an hour from the individual's requested time.
- All transit-systems must prepare and submit a written plan to UMTA by January 26, 1992, outlining how they will meet the paratransit requirements. Specific requirements for public participation, a six-year budget, service description, and a timeline for implementation must be included. A five-year period for implementation of the paratransit plan is provided for. The day the plan is submitted is also the date its implementation is required to begin.

- A waiver may be provided if a transit system can document that providing the paratransit service may cause an undue financial burden. However, even in this case, systems are required to provide service to the extent they can without incurring an undue financial burden. UMTA will consider waiver requests on a case-by-case basis based on the 10 factors listed in the rules. These include the impact on fares and services, available resources and budget, per capita trips for fixed-route and paratransit services, efficiencies, and unique local circumstances.
- Light and heavy rail transit systems, both vehicles and fixed-facilities, must meet the following requirements.
  - One vehicle per "train" must be accessible to disabled individuals, including those in wheelchairs.
  - Key rail stations must be made accessible to persons with disabilities. Guidelines are set forth for determining key stations. These include stations where passenger boardings exceed the station average by 15%, transfer stations between rail lines, major transfer points with other modes, end stations, and stations serving major employment, government, health, education, and commercial/recreational activity centers. Key stations should be accessible by July 26, 1993. However, DOT can grant an extension to July 26, 2020, as long as two-thirds of the key stations are accessible by July 26, 2010.

### *Accessibility Guidelines*

The Architectural and Transportation Barriers Compliance Board issued guidelines in September for DOT to incorporate into the final ADA rules to ensure that transit vehicles and facilities are readily accessible to and useable by individuals with disabilities in terms of architecture and design, transportation, and communication. The guidelines establish very specific design requirements for lifts and other facilities. The general scope of the guidelines are outlined below.

- The guidelines consolidate the requirements for large and small buses, with 22 feet or less the limit for small buses. Two wheelchair spaces must be provided in large vehicles and one space must be provided in small buses.

- Lift platforms must be 30 by 48 inches, measured 2 inches above the platform. Standees may use wheelchair lifts. The guidelines also establish the slope and dimensions for ramps, if they are used in place of lifts.
- Internal public address systems are required on large vehicles.
- Guidelines for rail vehicles are also established. These include the one-car-per-train accessibility rule and guidelines for platform and vehicle floor coordination.
- Guidelines for buildings and facilities include design of concrete pads and shelters at bus stops, bus route identification signs, station entrances, fare collection and payment equipment, travel distances and circulation paths for disabled individuals, coordination of platform and vehicle heights, and information signs.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

Transit systems in Texas will be affected by the different requirements of the ADA. These include the rules governing employment and regular-route, paratransit, and rail services. First, transit systems will need to review their employment and hiring practices to ensure that they are not in conflict with the new regulations. While many of these requirements are similar to previous regulations, some aspects are new, requiring transit systems to review their procedures and make appropriate changes. Second, future vehicle purchases must be wheelchair accessible. Further, transit systems will need to train maintenance personnel in the repair and maintenance of the wheelchair lifts and drivers in the use of lifts and securement devices, and sensitivity toward disabled riders. In addition, transit agencies will need to work with local jurisdictions and others to ensure that curb cuts and other necessary access is available.

Given the new definition of a wheelchair contained in the regulations, transit systems will have to determine how three-wheeled "scooter" wheelchairs can be secured safely within transit vehicle. Currently, these types of devices can not be accommodated on most vehicles. Thus, responding to this requirement will necessitate additional research and testing of wheelchair securement devices.

The regulations relating to paratransit services will also have major implications for transit systems in Texas. Areas without existing paratransit programs will need to implement



systems, unless they wish to request a waiver due to the undue financial burden such service would place on them. Even transit systems currently operating paratransit service may have to make changes to conform with the new requirements governing the service area, hours and days of operation, trip request and reservation system, fare levels, and eligibility requirements. Meeting these requirements will necessitate significant changes and additional funding on the part of local transit agencies. Transit systems will have to submit plans for comparable paratransit systems to the DOT by January 1992 and submit annual updates thereafter. The UMTA Office of Grants Management will be responsible for reviewing the paratransit plans. At this point, a process and schedule for this review has not been established.

#### **Sources for Additional Information**

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## **1990 Clean Air Act Amendments**

### **Program Title**

1990 Clean Air Act Amendments

### **Implementing Agency**

Environmental Protection Agency (EPA)

### **Summary**

The 1990 Clean Air Act Amendments (CAAA) represent the most recent federal legislation addressing air quality issues. The legislation, which amends the original 1970 Clean Air Act, was approved by Congress in the fall of 1990 and signed into law by the President in November 1990. The CAAA focus on "achieving and maintaining a healthy environment, while supporting strong and sustainable economic growth" and includes both technical and non-technical approaches (EPA, 1990). As outlined in the following section, the CAAA will affect transit systems and metropolitan areas in a number of ways. The Act, and the subsequent regulations that the Environmental Protection Agency (EPA) must develop and issue, address bus emission standards, the use of low polluting fuels, specific requirements for metropolitan areas in violation of EPA ozone and carbon monoxide levels, updating State Implementation Plans (SIPs), and other measures. The metropolitan areas in Texas currently in violation of the EPA Ozone and Carbon Monoxide standards, are shown in Table 1.

### **Requirements and Timelines**

#### *Urban Bus Engines*

The CAAA include the following provisions addressing emission standards and alternative fuels for urban buses.

Table 1 - Metropolitan Areas in Texas Violating EPA Ozone and Carbon Monoxide Standards

<p><b>Areas Violating Ozone Standard</b></p> <p><b>Severe Areas</b></p> <p>Houston</p> <p><b>Serious Area</b></p> <p>Beaumont</p> <p>El Paso</p> <p><b>Moderate Areas</b></p> <p>Dallas</p> <p><b>Areas Violating Carbon Monoxide Standard</b></p> <p><b>Moderate Areas</b></p> <p>El Paso</p>
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- The allowable emission levels for buses operating in urban areas with populations of 750,000 or more are shown in Table 2.

Table 2 - EPA Urban Bus Heavy Duty Engine Emission Standards

Model Year	No <sup>x</sup>	HC	CO	g/bhp-hr
1990	6.0	1.3	15.5	0.60
1991	5.0	1.3	15.5	0.25
1993	5.0	1.3	15.5	0.10
1994	5.0	1.3	15.5	0.05

Source: Detroit Diesel Corporation, *Information Update*, 1991.

NO - Nitrogen Oxide

HC - Hydrocarbons

CO - Carbon Monoxide

g/bhp-hr - Grams/brake horsepower-hour

- In 1994 EPA is required to conduct annual tests of "in use" urban buses to determine if they are complying with the emission standards in actual operation. EPA may revise the regulations to require all new urban buses to change to "low polluting" fuels if it determines this will help meet the requirements. Low polluting fuels are defined as methanol, ethanol, propane, natural gas or any

comparable low polluting fuel. If such a change is made, it would go into effect after 3 years and would be phased in over a 5-year period.

- The CAAA also allow the EPA to extend the low polluting fuel requirement to urban areas below 750,000 if it determines that this would result in a significant public health benefit.

### *Transportation - Air Quality Planning Guidelines and Transportation Control Measures*

The CAAA requirements vary by the type of pollutant and the classification of the metropolitan area. In general, the number of requirements, and their stringency or severity, increase for the severe and extreme non-attainment areas. The general requirements of the CAAA and the draft Transportation-Air Quality Planning Guidelines issued by EPA in July, 1991 are summarized in this section. Table 3 identifies the specific transportation-related provisions of the CAAA relating to the non-attainment categories within which Texas cities fall.

The draft EPA guidelines outline the following steps and activities in the planning process associated with the development of local plans and the State Implementation Plan (SIP).

- The Governor must certify a lead planning organization (LPO) in each non-attainment area. States may continue to use the planning organization previously certified or certify a new organization.
- The state, LPO, and other local organizations must identify the roles and responsibilities of the different groups in developing and implementing the plan. The EPA guidelines outline the issues and concerns that should be addressed in this process.
- The different inventories required must be completed. The EPA guidelines contain a summary of the elements to be included in these inventories and reference additional resources to assist in the development of the inventories.
- The guidelines outline the types of transportation control measures (TCMs) that must be considered and included in the plans.
- The guidelines outline the required public participation considerations for development of the plans.

Table 3 - Transportation Provisions by Non-Attainment Area Classification

**Ozone**

**Moderate (Dallas)**

- Must meet standards within 6 years (11/15/96).
- Emission inventories are due within 2 years of enactment and must be updated every three years until attainment.
- Must submit State Implementation Plan (SIP) revisions within 3 years of enactment demonstrating volatile organic compound (VOC) reductions, within 6 years of enactment of at least a 15% from 1990 baseline emissions, while accounting for any growth in emissions after enactment.
- Must adopt basic inspection/maintenance (I/M) programs.
- Contingency measures must be implemented if the area fails to make reasonable progress and the area will be reclassified as a serious non-attainment area if it fails to meet the requirements by the deadline.

**Serious (Beaumont and El Paso)**

- Meet all requirements outlined for moderate areas and submit SIP revisions within 4 years of enactment that demonstrate VOC reductions that average 3 percent per year for each consecutive 3-year period beginning 6 years after enactment.
- Submit SIP revisions within 42 months of enactment establishing clean-fuel vehicle programs.
- Beginning 6 years after enactment and each 3-year period thereafter, the state must submit a demonstration as to whether vehicle emissions, congestion levels, vehicle miles of travel (VMT) and other relevant parameters are consistent with those in the SIP; if not the SIP must be revised to include measures that will lower emission levels.
- The SIP must provide for the implementation of specific measures to be undertaken if the area fails to meet applicable milestones.
- Areas will be reclassified to severe if they fail to meet standards by deadline (plus up to two one-year extensions).

Table 3 - Transportation Provision by Non-Attainment Area Classification (continued)

<p><b>Severe (Houston)</b></p> <ul style="list-style-type: none"><li>- Meet all requirements outlined for serious areas and submit SIP revisions within 2 years of enactment identifying and adopting measures to offset growth in emissions from growth in VMT.</li><li>- Within 2 years of enactment, SIP revisions are due that require employers of 100 or more to increase the average passenger occupancy per vehicle for work trips in the area. The average vehicle occupancy for the area needs to be established at the time of the SIP submittal. Affected employers have to submit compliance plans within 2 years of the SIP revisions and demonstrate compliance not later than 4 years after the revision (6 years from enactment).</li><li>- Areas failing to attain the standards by the deadlines are subject to mandatory fees on stationary emission sources and more stringent new source review requirements applicable to extreme areas.</li></ul>
<p><b><u>Carbon Monoxide</u></b></p> <p><b>Moderate (El Paso)</b></p> <ul style="list-style-type: none"><li>- Emission inventories are due within 2 years of enactment with revised inventories no later than 1995.</li><li>- If CO design values are 9.5 ppm or above, based on 1988 and 1989 data, the SIP must be revised to require gasoline to contain not less than 2.7% oxygen by weight.</li><li>- Areas with design values above 12.7 ppm must revise the SIP to contain VMT forecasts for each year until the attainment date, based on EPA guidance; annual SIP updates must update the forecasts.</li><li>- SIPs must include contingency provisions to be undertaken if actual or projected VMT exceeds the forecast.</li><li>- Correct existing or previously required I/M programs.</li><li>- Areas may be reclassified as serious non-attainment areas if standards are not met by deadlines (plus two-one-year extensions).</li></ul>

Source: Environmental Protection Agency. Draft - *The 1991 Transportation-Air Quality Planning Guidelines*. EPA, July 25, 1991.

In addition to the timelines noted in Table 3, the EPA must still complete the rule making process on a number of requirements included in the CAAA. The following summarizes a few of the more significant deadlines for these and other requirements.

- November 1, 1991 - Date for the EPA and U.S. DOT to issue criteria for making conformity determinations during Phase II. Transportation plans, programs, and projects approved after this date must be found to conform with the existing SIP, in accordance with the criteria promulgated by the EPA and DOT.
- November 15, 1992 - Date for states to have implementation plans in place which are consistent with the CAAA and subsequent EPA guidelines. Transportation plans and programs approved after this date must conform with applicable implementation plan's control strategies for mobile source emissions. In addition, the lead agency must be certified for developing, adopting, and implementing the SIP and the emissions inventory for the base year (1990) must be complete.

#### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

Transit systems in Texas will be impacted differently by the 1990 Clean Air Act Amendments. These differences relate to both the size of the metropolitan area and its ranking as a non-attainment area. In addition, as will be discussed later, the Alternative Fuels Program of the Texas General Land Office provides more stringent and far-reaching regulations for Texas transit systems. In this instance, the stricter state regulations take precedence over the federal rules.

The urban bus emission standards outlined previously affect three Texas transit systems in urban areas with populations of 750,000 or more. These are the Metropolitan Transit Authority of Harris County, Dallas Area Rapid Transit, and VIA Metropolitan Transit in San Antonio. These systems will be required to meet the standards and timelines for bus emission levels established by the EPA. However, these, and other systems, also fall under the jurisdiction of the Texas General Land Office Alternative Fuels Program. As a result, the larger Texas transit systems will be more affected by the Alternative Fuels Program, than by the EPA regulations.

The provision in the CAAA that allows the EPA to extend the low polluting fuel requirement to urban areas below 750,000, if it determines that this would result in a significant public health benefit, could impact the smaller urban transit systems in Texas. With the exception of Austin, Corpus Christi, El Paso, and Laredo, these systems are not currently covered by the Texas Alternative Fuels Program. Thus, extending the EPA requirements to urban areas under 750,000 would impact systems in Abilene, Amarillo, Beaumont, Brownsville, Bryan-College Station, Galveston, Lubbock, Port Arthur, San Angelo, Sherman-Denison, Tyler Waco, and Wichita Falls.

The CAAA and EPA provisions relating to the transportation planning process and transportation control measures currently impact the four urban areas classified as non-attainment areas. These are Houston, Beaumont, El Paso, and Dallas. As outlined in the previous section, these areas will be required to develop and implement programs to address air quality problems and meet the specific guidelines of the different non-attainment classifications. It is anticipated that transit systems in these areas will play an integral role in the planning process, and more importantly, in the implementation of programs that help areas meet the requirements. In this effort, transit systems will be working with the metropolitan planning organizations (MPO), which have previously been designated by the Governor as the lead planning organization (LPO) in most areas, and other local and state agencies in the development of local plans and the State Implementation Plan (SIP). Thus, transit systems will be involved in both planning and implementing strategies and programs to meet the CAAA requirements.

#### **Sources for Additional Information**

Environmental Protection Agency  
401 M Street S.W.  
Washington, D.C. 20460

Texas Air Control Board  
12124 Park 35 Circle  
Austin, Texas 78753



**Environmental Protection Agency Storm Water Discharge Permit  
and Reporting Program**

**Program Title**

Storm Water Discharge Permit and Reporting Program

**Implementing Agency**

U.S. Environmental Protection Agency (EPA)

**Summary**

The U.S. Environmental Protection Agency (EPA) published a proposed rule on *National Pollutant Discharge Elimination System General Permits (NPDES) and Reporting Requirements for Storm Water Discharges Associated with Industrial Activity* on August 16, 1991. The proposed regulations would expand and modify the NPDES permitting process that has been in effect for a number of years for "point source" polluters. Recent congressional action directed EPA to expand the permitting process to cover storm water run off, which has been identified as a significant contributor to water pollution. In response to this direction, EPA issued the final rule, *National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges*, in November, 1990. This final rule established two general groups that must apply for storm water permits: urban collection systems in cities over 100,000 and industries.

The proposed rules, issued in August, further refine the permitting and reporting process that industries must follow. Transit systems which have vehicle maintenance facilities, referred to by the Standard Industrial Classification (SIC) code Number 41 - Local and Interurban Passenger Transit, are covered by the regulations. The specific elements of the proposed regulations are outlined in the next section. The EPA is currently requesting comments on the proposed regulations and is holding public hearings throughout the country. Comments must be submitted to EPA by October 15, 1991. It is expected that EPA will issue final regulations by early 1992.

## Requirements and Timelines

The proposed regulations build on the *NPDES Permit Application Regulations for Storm Water Discharges* issued by EPA in November 1990 and are based on the 1972 amendments to the Clean Water Act prohibiting discharge of any pollutant to navigable waters from a point source unless the discharge is authorized from an NPDES permit. The proposed regulations provide additional guidance on the application for and use of general group and individual permits. The focus of these two approaches and the requirements associated with both are summarized next.

- A firm covered by the regulations, such as a transit authority, may apply individually for a general permit. The process for this is relatively simple. The firm files a Notice of Intent (NOI) with EPA. The NOI must include the following information:
  - legal name and address of owner or operator
  - facility name and address
  - number and type of facilities and discharges
  - receiving stream(s)
  - other relevant information
- No laboratory analysis is proposed to be required for the individual permit.
- In Texas the program is administered by the EPA Regional Office in Dallas.
- Group permits are proposed as an administrative tool enabling the issuance of one permit to a similar group of industries. Requests for group permits must be sent to the EPA Washington, D.C. office and will be considered on a case-by-case basis. Group permits are suggested for use in cases where similar industries have common features or problems they would like EPA to consider. However, according to an EPA staff person, the same requirements needed for an individual permit are needed for a group permit.
- The comment period on the proposed rules will close October 15, 1991. Based on a review of these comments, EPA is expected to issue final rules by early 1992. Further, EPA staff have indicated that the storm water permit application deadline will probably be changed to October 1, 1992, providing firms with adequate time to respond.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

Under the proposed regulations, transit systems in Texas which have vehicle maintenance facilities are required to file for an NPDES Storm Water Discharge Permit. It appears that the filing deadline will be extended to October 1, 1992. However, the exact date and requirements may be modified based on comments received by EPA.

It appears that transit systems in Texas have two options in responding to the proposed requirements. First, transit systems can file an individual NOI with the EPA regional office in Dallas. The second option would be for transit systems to work together and file a group permit with the EPA headquarters office in Washington, D.C. According to EPA staff, there is not a great advantage to filing a group permit, unless there are unique or special features common to all industries filing the group permit.

Given the timing of the likely issuance of the final regulations and the deadline for the application process, including a session on this topic at the annual Texas Public Transportation Conference may be appropriate. Such a session, which could include a representative from EPA, would provide the opportunity for all transit systems to obtain accurate information on the requirements and deadlines.

### **Sources for Additional Information**

Paula Jones  
Environmental Protection Agency - Region 6  
Permitting Program 6W-P  
1445 Ross Avenue  
Dallas, Texas 75202-2733  
(214) 655-7175

## **Uniform System of Accounts and Records and Reporting System**

### **Program**

Uniform System of Accounts and Records and Reporting System (Section 15 Program)

### **Implementing Agency**

Urban Mass Transportation Administration

### **Summary**

The Urban Mass Transportation Administration (UMTA) has required grant recipients to submit annual ridership, financial, and operating information since the mid-1970s. The Uniform System of Accounts and Records and Reporting System were authorized in 1974 under Section 15 of the Urban Mass Transportation Act of 1964, as amended. The requirements, which are commonly called the Section 15 requirements, provide for a uniform system of accounts and records and a reporting system to collect and disseminate transit financial and operating data. Over 500 public transit operators provide UMTA with annual Section 15 reports. In an effort to reduce the burden of reporting and improve the value of the reported data, UMTA issued a Notice of Proposed Rulemaking (NPRM) on August 12, 1991.

The proposed rules were developed based on a review of the current requirements by UMTA's Section 15 Reporting System Advisory Committee, and suggestions from the American Public Transit Association Section 15 Committee and the Transportation Research Board. Further, comments were received from transit agencies and other groups in response to UMTA's Advanced Notice of Proposed Rulemaking. The major changes in the Section 15 reporting requirements proposed by UMTA in the NPRM are intended to reduce the burden of reporting and improve the value of the reported data for analysis.

### **Requirements and Timelines**

The NPRM contains a number of recommended changes in the Section 15 reporting requirements. These are intended to reduce the burden of the reporting requirements and

improve the value of the resulting data. The major changes recommended in the NPRM are summarized below. The comment period on the NPRM closes October 11, 1991. Based on a review of the comments received, final regulations are expected to be issued by the end of 1991 and would be effective for the 1992 reporting year.

- The basic Section 15 reporting structure will be simplified. Currently, there are one required and three voluntary reporting levels. These will be replaced with one minimum and one expanded reporting level. The current required level will be retained, but will be renamed the "minimum (M) level." The three current voluntary levels will be consolidated into one voluntary level, renamed "expanded (E) level." The voluntary level financial details, which represent the most complex element of the current requirements, will be reduced by almost half. The specific elements of both of these are outlined in the NPRM.
- The requirement for complete Section 15 reports on purchased or contract service is proposed to be raised from the current 50 vehicles to 100 vehicles. This change is intended to reduce the burden for reporting information on the growing number of contract services. In addition, UMTA will continue to waive specific reporting requirements that are particularly burdensome for small systems.
- UMTA indicated a desire in the ANPRM to discontinue the requirement of the submission by the metropolitan planning organization (MPO) outlining the service area and population, and describing the planning methods used to determine the service area. However, comments received on the ANPRM supported the benefit of requiring census population and service area information. As a result, the NPRM would discontinue the current MPO required submission, but add population, service area, and other demographic data to the transit system identification form.
- UMTA proposes to take steps to improve access to the Section 15 database, making it easier to use by all interested groups.
- A number of specific recommendations are contained in the NPRM focusing on simplifying the number and content of the financial and operating reporting forms. These changes were designed to consolidate minor items, disaggregate large items, eliminate meaningless items, maintain easy to collect items, and retain items that assist in the decision-making process. The following changes are proposed in the NPRM to simplify the existing requirements:
  - Move security and ticketing costs from the administrative to the operations groups.

- Revise the capital data form to report the sources and uses of capital and discontinue the use of the capital balance sheet. This recommendation follows the APTA proposal.
- The revenue form 202 is proposed to be simplified from 67 revenue object classes to 31 classes and retained as a voluntary form.
- Encourage the increased reporting of modal fares by highlighting this option in the Reporters' Manual. This will allow for improved data analysis capabilities relating to modal performance measures. However, UMTA will not require modal fares due to the difficulty this would present to operators with large numbers of transfers and monthly or weekly passes.
- The Uniform System of Accounts is proposed to be realigned to move Ticketing and Fare Collection (151) and Systems Security (161) from the General Administration to the Operations category.
- The Operators Wages and Hours schedule is proposed to be simplified by consolidating items and eliminating the reporting of employee contributions to fringe benefits.
- Form 332, Pension Plan Questionnaire, is proposed to be eliminated.
- Fleet Inventory forms 003 and 004 are proposed to be eliminated and some of the information incorporated onto Forms 406 and 407.
- Service Period form 401 is proposed to be incorporated into forms 406 and 407.
- A change is proposed in the Transit System Employee Count schedule to report work hours instead of equivalent work years. In addition, a check off box will be added to form 404 to indicate the use of part-time operators.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

The changes proposed by UMTA in the *Uniform System of Accounts and Records and Reporting System* should simplify the reporting requirements for transit systems in Texas. While the Section 15 reports will still require a good deal of time and effort, the proposed changes appear to at least simplify some aspects of the requirements. Based on comments received by

October 11, 1991, UMTA is expected to issue final rules by the end of the year. Depending on the scope of the final changes, it may be appropriate to focus a session at the annual Texas Public Transportation Conference or some other training session on the revised Section 15 reporting requirements.

**Sources for Additional Information**

Susan Brown  
Office of Capital and Formula Assistance  
Urban Mass Transportation Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590  
(202) 366-1645

Division of Public Transportation  
Texas Department of Transportation  
125 East 11th Street  
Austin, Texas 78701-2483  
(512) 483-3656

## STATE LEGISLATION

### Texas Department of Transportation

#### **Program Title**

House Bill 9 - Creating the Texas Department of Transportation

#### **Implementing Agency**

Texas Department of Transportation (TxDOT)

#### **Summary**

This bill, approved by the Texas Legislature during the special session in the summer of 1991, created the Texas Department of Transportation (TxDOT) by merging the Department of Aviation and the Texas Motor Vehicle Commission with the Texas State Department of Highways and Public Transportation (SDHPT). The bill also affects transit systems in Texas by amending portions of Article 6663c. These changes affect the definition of mass transit authority used by TxDOT and the allocation of state public transportation funds. This bill will affect transit systems both directly and indirectly. The specific elements of the bill and timelines are outlined in the following section.

#### **Requirements and Timelines**

Articles 1 and 4 of this law contain the major provisions relating to public transportation. Article 1 deals with the creation of the new Texas Department of Transportation (TxDOT) and Article 4 addresses public transportation. The major provision of these two Articles are summarized below along with relevant requirements from Articles 1A (Regulation of Motor Vehicles), 2 (Acquisition and Financing of Highways) and 3 (Regulation of Highway Use and Vehicles).

- Creates the Texas Department of Transportation (TxDOT), authorizes its governance by the Texas Transportation Commission, and extends its existence to September 1, 1997.



- Requires TxDOT to develop and implement a statewide transportation plan covering all modes of transportation and requires TxDOT to seek assistance from other governmental entities in developing this plan.
- Requires TxDOT to establish separate divisions to accomplish its duties in areas of aviation, highways and roads, public transportation, and motor vehicle titles and registration. Requires that the director of the Division of Highways and Roads must be a registered professional engineer.
- Requires TxDOT to divide the state into no more than 18 districts (currently there are 24 districts) and requires periodic review of the number of districts and the maintenance, construction, and support operations in each district.
- Creates a three member Texas Transportation Commission appointed by the Governor to staggered terms, with the Governor appointing one member to serve as chair or commissioner.
- Establishes the administrative head of TxDOT as the Executive Director and requires that this individual be a registered professional engineer.
- Amends Article 6663c to change the definition of mass transit "authority" to not include an authority created by a municipality with a population under 200,000.
- Amends Article 6663c to allocate 50% of the public transportation formula program funds to urbanized areas with a population over 50,000 not served by an authority and 50% to urban areas under 50,000 or to rural areas.
- Amends Article 6663c to prohibit mass transit authorities from participating in the discretionary program or receiving money from the formula or discretionary program.
- Amends Article 6663c to allow cities and urban areas not within a metropolitan transit authority (MTA) boundary to receive state funds.
- Merges the Department of Aviation into TxDOT as the Division of Aviation and creates a six member Aviation Advisory Committee.
- Merges the Texas Motor Vehicle commission into TxDOT as the Division of Motor Vehicles and requires that the director be an attorney.
- Provides for consolidation of the Texas Turnpike Authority and TxDOT by September 1, 1997, subject to approval by the voters of a constitutional amendment and requires the Sunset Advisory Commission to study such a consolidation and report to the Legislature in 1993, 1995, and 1997.

- Prohibits private entities from constructing private toll projects which connect to the state highway system unless the project is approved by TxDOT and requires TxDOT to adopt rules for approval of such projects.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

The legislation creating the Texas Department of Transportation does not place any immediate requirements on transit systems in Texas. However, many aspects of the legislation will affect transit systems and services in Texas. First, the reduction in the number of districts may impact the interaction between transit providers and the districts in some areas. While the Division of Public Transportation provides a major link between the Department and transit systems, the districts also provide technical assistance in many areas. The reduction in the number of districts may influence this relationship in some areas.

Second, the amendments to Article 6663c changing the definition of a mass transit "authority" and the allocation of funds will impact transit systems. The amendments exclude MTAs from receiving funding from the discretionary program and allocate the formula funds on a 50-50 basis between urban areas with populations above and below 50,000 population. These changes will influence the way funds are distributed on the state level.

### **Sources for Additional Information**

Division of Public Transportation  
Texas Department of Transportation  
125 East 11th Street  
Austin, Texas 78701-2483  
(512) 483-3656

## **Public Transportation Advisory Committee**

### **Program Title**

Senate Bill 352 - SDHPT Sunset Provision; Creating a Public Transportation Advisory Committee

### **Implementing Agency**

Texas Department of Transportation

### **Summary**

This legislation, passed by the Texas Legislature during the regular session in 1991, requires the Texas Department of Transportation (TxDOT) to establish a Public Transportation Advisory Committee. Further, the legislation establishes the mechanism for appointing committee members, outlines the qualifications and composition of committee members, and identifies the general roles and responsibilities of the committee.

### **Specific Requirements and Timelines**

The legislation amends Section 2A of Chapter 678, Acts of the 64th Legislature, 1975 (Article 6663b, Vernon's Texas Civil Statutes) to include the appointment of a Public Transportation Advisory Committee to the Texas Department of Transportation. The advisory committee appointment process, membership composition, and role of the committee are as follows.

- Establishes a 9 member Public Transportation Advisory Committee, with the Governor, Lieutenant Governor, and Speaker of the House of Representatives each making three appointments. Members serve at the pleasure of the appointing officer.
- The committee membership shall be comprised of:
  - one member representing rural public transportation providers
  - one member representing municipal transit systems

- one member representing metropolitan transit authorities in urban areas with populations of 200,000 or more
  - one member representing elderly and handicapped transportation providers
  - five members representing the general public who have a knowledge of and interest in public transportation
- Committee members will not receive compensation for their service, but will be reimbursed for reasonable expenses incurred in performing their duties.
  - The following roles and responsibilities are identified for the advisory committee.
    - advise the Texas Transportation Commission on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation funds.
    - comment on rule changes involving public transportation during their development and before final adoption.
    - perform other duties as determined by the Commission.
  - The advisory committee will meet on a quarterly basis or as determined by the Commission.
  - The Commission may adopt rules to govern the operation of the advisory committee.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

The creation of a Public Transportation Advisory Committee within TxDOT does not place any specific requirements on transit systems in Texas. The exact scope and function of the Committee will not be known until the Committee is actually appointed and operating. However, interaction with the transit community should be expected.

### **Sources for Additional Information**

Division of Public Transportation  
 Texas Department of Transportation  
 125 East 11th Street  
 Austin, Texas 78701-2483  
 (512) 483-3656

## **Health and Human Services Transportation Planning Office in the Governor's Office**

### **Program Title**

House Bill 7 - Health and Human Services Commission - establishing the Health and Human Services Transportation Planning Office in the Governor's Office.

### **Implementing Agency**

Health and Human Services Commission

### **Summary**

This bill, approved by the Texas Legislature during the first special session in the summer of 1991, established the Health and Human Services Commission. A number of the responsibilities given to this Commission relate to public transportation, primarily focusing on specialized services provided by health and human service agencies in the state. These include the establishment of a Health and Human Services Transportation Planning Office in the Governor's Office and assigning it specific responsibilities.

### **Requirements and Timelines**

Section 5.04 of Article 5 (Miscellaneous Provisions) amends Title 70, revised statutes, by adding Article 4413 (701) establishing the Health and Human Services Transportation Planning Office in the Governor's Office. The following responsibilities are given to this office.

- Collect data on health and human service client transportation needs, services and expenditures.
- Create a statewide coordination plan regarding a system of transportation for health and human service clients, including the designation of locally based transportation coordinators.
- Establish standards of reporting and accounting methods for all agencies providing health and human service client transportation.
- Evaluate the effectiveness of pooling client transportation resources for capital acquisition and joint purchase of liability insurance.

- Assist state agencies in coordinating transportation resources.
- Ensure coordination between the office and TxDOT with regard to the use of 16(b)(2) funds received by TxDOT.
- Examine the feasibility of consolidating all funding for health and human service client transportation and creating a transportation system through which clients of any state or local agency or program could be matched with the most cost-effective and appropriate transportation service for their need.
- Evaluate the use of existing computer software for use at the local level.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

The legislation creating the Health and Human Services Transportation Planning Office in the Governor's Office does not place any specific requirements on transit systems in Texas at this time. However, it appears that transit systems, especially those providing services to health and human service clients, may be affected by the outcome of the planning and feasibility studies to be conducted by the office. Rural systems and others providing services to health and human service clients appear to be the most likely to be affected by this legislation. Further, TxDOT's Division of Public Transportation, transit systems, and other agencies will most likely be involved in the various planning and feasibility studies required of the office.

### **Sources for Additional Information**

Ms. Pat Cole or Mr. Clint Winters  
Policy Council  
Governor's Office  
P.O. Box 12428  
Austin, Texas 78711  
(512) 463-2198

Division of Public Transportation  
Texas Department of Transportation  
125 East 11th Street  
Austin, Texas 78701-2483  
(512) 483-3656

## Alternative Fuels Program

### **Program Title**

Senate Bill 740 - Alternative Fuels Program

Senate Bill 769 - Clean Air Amendments

### **Implementing Agencies**

Texas General Land Office

Texas Air Control Board

### **Summary**

Passed by the Texas Legislature during the regular session in 1989, these two legislatively directed programs outline the requirements for the Texas alternative fuels program and other activities focused on improving air quality levels in Texas cities. Most of the requirements relate to cities that are in violation of the Environmental Protection Agency (EPA) standards for ozone and carbon monoxide. The major components of these programs relating to transit systems in Texas require the use of alternatively fueled vehicles by metropolitan transit authorities (MTAs). While not currently covered by the regulations, the requirements may be extended in the future to include other transit systems.

### **Requirements and Timelines**

The following aspects of the two programs relate to transit systems in Texas.

- Metropolitan transit authorities (MTAs), covered under Article 1118x and 1118y, city transit departments, covered under Article 1118z, school districts with more than 50 buses, and state agencies with more than 15 vehicles (excluding law enforcement and emergency vehicles) may not purchase or lease after September 1, 1991 any vehicle that is not capable of using compressed natural gas or other alternative fuel that reduces harmful emissions. The total fleets of these entities must meet the following schedule for conversion to alternative fuels:
  - at least 30% must be converted by September 1, 1994
  - at least 50% must be converted by September 1, 1996

- Following a determination by the Texas Air Control Board in 1996 that the program has been effective in reducing total annual emissions from vehicles in the area, at least 90% must be converted by September, 1998.
- These requirements may be waived if the affected entity is operating in an area where a central refueling station for alternative fuels cannot be established or if the entity is unable to obtain the equipment or facilities at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied.
- Affected entities must comply with all applicable safety standards promulgated by the U.S. Department of Transportation and the Texas Railroad Commission.
- Affected entities must submit an annual report to the Texas Air Control Board by December 31 of each year documenting the purchase, lease, and conversion of motor vehicles and use of compressed natural gas or other alternative fuel.
- Based on the determination of the Texas Air Quality Board in 1996 that the program is effective in reducing emissions, but is insufficient to attain federal ambient air quality standards in non-attainment areas, these requirements may be extended to local governments with fleets of more than 15 vehicles (excluding law enforcement and emergency vehicles) and private fleets with more than 25 vehicles (excluding emergency vehicles). These fleets must ensure that at least 30% of their vehicles are converted by September 1, 1998; 50% by September 1, 2000; and 90% by September 1, 2002.

### **Potential Effect on Transit Systems and Approaches to Meeting Requirements**

Eight transit agencies in Texas are currently affected by the alternative fuels program. These are Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Laredo, and San Antonio. These systems must meet the fleet conversion schedule identified previously. As a general guide, the number of buses each system must have converted by the different deadlines is presented below. This table which is based on 1988 fleet information, provides only a general indication of the level of effort that will be required to meet the legislation, as it does not take into consideration any increases in vehicle fleet size or paratransit services. Thus, it may under represent the number of vehicles needed to be converted.



Table 4. Fleet Conversion Needed to Meet Alternative Fuel Program

System	Regular Route Buses in Service <sup>1</sup>	1994 30% Conversion	1196 - 50% Conversion	Possible 1998 90% Conversion
Austin	214	64	107	193
Corpus Christi	43	13	22	39
Dallas	807	242	403	726
El Paso	78	23	49	70
Fort Worth	99	30	50	89
Houston	802	240	401	722
Laredo	21	6	11	19
San Antonio	443	133	222	399

<sup>1</sup>Represents 1988 regular route buses from Table 12 in *1988 Texas Transit Statistics*, State Department of Highways and Public Transportation, August 1989.

To date, different approaches have been used by different transit authorities. The Metropolitan Transit Authority of Harris County has made a commitment to the use of liquified natural gas (LNG) and is in the process of converting a portion of all types of buses to LNG. Other systems, such as Capital Metro in Austin, are testing the use of compressed natural gas (CNG).

Although other alternative fuels could be used, it appears that LNG and CNG are the two most realistic alternatives. The legislation and information from the Texas General Land Office focuses on the use of LNG, partly due to the availability of natural gas in Texas. The Texas General Land Office has also estimated that conversion to natural gas can result in both fuel and maintenance cost savings.

Experience to date with the use of CNG and LNG by transit systems in Texas is limited. As noted previously, both Houston METRO and Capital Metro in Austin have conversion projects underway. Analyzing the results of these and other demonstration projects around the country and examining the issues associated with the use of alternative fuels was identified as a priority research need in the *Texas Transit Research Agenda*. This analysis should include an

examination of the costs of different alternatives, operational issues associated with the use of alternative fuels, and the approaches most appropriate to small urban and rural systems. Also identified was the need to establish an ongoing coordination and communication mechanism for sharing the results of these activities.

#### **Sources for Additional Information**

The Texas General Land Office has established a toll free alternative fuels information hotline. This number is 1-800-6-FUEL-99. The address and telephone number for the Texas General Land Office is:

Texas General Land Office  
Stephen F. Austin Building  
1700 North Congress Avenue  
Austin, Texas 78701  
(512) 463-5256

The 3rd Annual Alternative Vehicle Fuels Market Fair and Symposium sponsored by the Texas General Land Office is scheduled for April 13 and 14, 1992 in Austin.

### III. CONCLUSION

As outlined in this report, recent federal and state legislation and programs affect transit systems and transit services in Texas. At the federal level these include the Americans with Disabilities Act of 1990, the 1990 Clean Air Act Amendments, and the Environmental Protection Agency Storm Water Discharge Permit Program. Recent legislation at the state level impacting transit includes the creation of the Texas Department of Transportation, the establishment of a Public Transportation Advisory Committee within TxDOT, the creation of a Health and Human Services Transportation Planning Office in the Governor's Office, and the Alternative Fuels Program.

The scope of these different programs, and their specific requirements and timelines, has been summarized in this report to provide an easy reference for transit systems and others interested in these programs. It is realized that final rules have not been issued on some of the programs, and that changes may be made to others over time. Further, new legislation and policies may affect transit systems in the future. Thus, periodic updating of this report may be appropriate to ensure an accurate and up-to-date reference guide for Texas transit systems.

#### IV. REFERENCES

- American Public Transit Association, Easter Seals and Community Transportation Association of America. *Americans with Disabilities Act of 1990: Law and Explanation*. Chicago: Commerce Clearing House, Inc., 1990.
- Department of Transportation, *Final Rules - Transportation for Individuals with Disabilities*. Federal Register, September 6, 1991.
- Environmental Protection Agency. *Draft - 1991 Transportation - Air Quality Planning Guidelines*. Washington D.C.: U.S. Environmental Protection Agency, July, 1991.
- Environmental Protection Agency. *NPDES General Permits and Reporting Requirements for Storm Water Discharges Associated with Industrial Activity; Proposed Rule*. Federal Register, August 16, 1991.
- Texas State Statutes. House Bill 7, Amending Articles 4413 (502), 4413 (503) and 4413 (504), 1991.
- Texas State Statutes. House Bill 9, Creation of the Texas Department of Transportation, 1991.
- Texas State Statutes. Senate Bill 352, Amending Article 6663, 1991.
- Texas State Statutes. State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes, as amended 1989).
- Texas State Statutes. Texas Clean Air Act (Article 4477-5, Vernon's Texas Civil Statutes, as amended 1989).