

**RESOLUTIONS APPROVED
BY THE
MEMBERSHIP OF THE
TEXAS MUNICIPAL LEAGUE**

October 10, 2019

San Antonio, Texas

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1.

A RESOLUTION SEEKING INTRODUCTION AND PASSAGE OF LEGISLATION THAT
WOULD MODIFY OR ELIMINATE THE HIRING AGE RESTRICTION ON CIVIL
SERVICE FIREFIGHTERS

WHEREAS, a firefighter in a Civil Service City is ineligible to begin a position if he or she is over 35 years of age; and

WHEREAS, Civil Service Firefighter age hiring limit is set by §143.023(b): “A person may not be certified as eligible for a beginning position in a fire department if the person is 36 years of age or older”; and

WHEREAS, this statutory provision is onerous and problematic for civil service cities seeking to hire firefighters in municipalities across the state; and

WHEREAS, each city in the State of Texas that has adopted TLGC Chapter 143, Civil Service standards for firefighters, is subject to this age restriction which makes firefighter recruitment very difficult.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2019 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would increase the maximum hiring age for firefighters in a civil service city from age 35 to age 45, or to eliminate the maximum hiring age altogether.

PASSED AND APPROVED by the membership of the Texas Municipal League this 10th day of October, 2019, at San Antonio, Texas.

APPROVED:



John Love,
President

ATTEST:



Bennett Sandlin,
Executive Director

A RESOLUTION SEEKING INTRODUCTION AND PASSAGE OF LEGISLATION
RELATING TO PIPELINE ROUTING

WHEREAS, the governmental responsibility of eminent domain has been delegated to pipelines with little oversight; and

WHEREAS, risks of pipeline construction and operation include surface spills, blasting and trenching altering water flow, sinkhole development or filling, soil compaction, topographic alterations, pipeline leakage and drinking water contamination; and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for public safety is a critical duty owed their citizens; and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for public health is a critical duty owed their citizens; and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for emergency preparedness is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for planning and economic development is critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe their ability to address and/or to collaborate with accountable entities on these critical responsibilities is impeded under current State of Texas laws and regulations concerning oil and gas pipelines due to the delegated governmental authority of eminent domain to private companies and the lack of a public process, particularly environmental and economic impact studies for intrastate pipelines;

WHEREAS, the State of Texas has failed its own municipalities;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2019 Annual Conference of the Texas Municipal League that the League seeks introduction and passage of legislation requiring the State of Texas to create a state regulatory process for oil and gas pipeline routing that:

1. Enables affected communities and landowners to provide input prior to establishment and publication of routes.
2. Provides for negotiation on routes when municipalities believe that substantial threats to economic development, natural resources, or standard of living are potential outcomes.
3. Intrastate pipelines will comply with environmental and economic impact study standards, including the participation of local governmental entities and public participation.
4. Pipeline operators shall have in place performance bonds like those the state has in its own contracts.

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ATTEST:



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3.

A RESOLUTION SUPPORTING LEGISLATION THAT GRANTS STATES GREATER AUTHORITY TO ADDRESS EXCESSIVE DELAYS AT RAILROAD CROSSINGS, IN CONSULTATION WITH AFFECTED MUNICIPALITIES:

WHEREAS, the U.S. Congress is considering reauthorization of federal surface transportation, rail, and transit programs currently authorized under the Fixing America's Surface Transportation Act (FAST Act); and

WHEREAS, the City of Galveston joins cities in Texas, Kansas, Illinois, Ohio, Wisconsin, Michigan, Arkansas, California, Colorado, Florida, Iowa, Oklahoma, Tennessee and many more who experience the epidemic and extreme train delays blocking railroad crossing on critical arteries in their communities; and

WHEREAS, public safety concerns about emergency response are growing with increasing evidence reported by cities where first responders were unable to transport injured persons and save lives due to excessive train delays at railroad crossings; and

WHEREAS, lengthy train delays occur on one of the two critical emergency evacuation routes from Galveston Island, Broadway and Harborside. Trains blocking Harborside greatly impact public safety by eliminating half the primary available routes to and from the Island; and

WHEREAS, federal courts have found that laws and local ordinances attempting to limit and manage train delays are preempted by the Interstate Commerce Commission Termination Act and the Federal Railroad Safety Act. States where such laws have been struck include Texas, Kansas, Illinois, Kentucky, Indiana, Ohio, Wisconsin, and Michigan; and

WHEREAS, there are no federal regulations that govern or limit the length of trains. The U.S. General Accounting Office (GAO) has found freight train length has increased in recent years by about 25 percent since 2008, with average lengths of 1.2 and 1.4 miles in 2017; and

WHEREAS, after state and local officials expressed concerns that longer trains can prolong the duration of blocked crossings, the GAO recommends the Federal Railroad Administration share study results on longer trains and work with railroads to engage state and local governments to identify and reduce impacts of longer freight trains on highway-railroad crossings; and

WHEREAS, grade-separation projects are the most effective method to address blockages and improve safety, these are costly projects and may not always be fiscally or logistically realistic for the local community; and

WHEREAS, Section 130 Highway-Rail Crossing Safety Program provides states with federal formula funds to eliminate hazards posed by blocked grade crossings due to idling trains. However, there are use restrictions (50 percent must be spent on protective devices) that impede a state's ability to select more grade-separation projects or innovative projects; and,

WHEREAS, other federal and state transportation funding can also be applied, but grade crossing improvement, especially costly grade separation project, must compete against a wide range of critical transportation needs; and,

WHEREAS, federal transportation reauthorization legislation should: 1) grant greater authority to states to manage excessive train delays at railroad crossings with reasonable time limits; 2) greater federal program flexibility to fund innovative approaches to eliminate trains blocking railroad crossing; and 3) hold railroads more accountable for identifying solutions in consultation with communities adversely impacted by unreasonable and unsafe train delays at railroad crossings.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2019 Annual Conference of the Texas Municipal League that the League support federal legislation providing states greater authority over management of train delays in conjunction with affect cities.

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John Love,
President

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Bennett Sandlin,
Executive Director

4.

A RESOLUTION TO SEEK INTRODUCTION AND PASSAGE OF LEGISLATION THAT WOULD INCREASE TRANSPARENCY OF AND ACCESSIBILITY TO LEGAL NOTICES BY PROVIDING OPTIONS IN THE METHOD OF THEIR DISTRIBUTION.

WHEREAS, state law requires that most legal notices, such as those related to procurement, tax rate, budget, and numerous other items, be published in a newspaper;

WHEREAS, newspapers continue to play an important role in the distribution of notice to the public;

WHEREAS, newer and more modern methods have arisen in recent years that can supplement newspapers and target additional audiences;

WHEREAS, those methods include Internet website posting, social media, listing services, mailing inserts, and more;

WHEREAS, those methods can reach many more citizens than posting notice solely in a print newspaper;

WHEREAS, H.B. 3167 (2019) and other legislation has already caused issues for cities related to publication of notices; and

WHEREAS, those methods can provide a more efficient, less expensive, and well-organized means of publication of required notices.

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2019 Annual Conference of the Texas Municipal League that the League seek introduction and passage of legislation that would allow cities alternate methods for publication of legal notices.

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