

Amend **SB 21** on third reading by adding the following sections to the bill, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION _____. (a) Section 227.014, Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the commission determines that the mobility needs of this state would be most efficiently and economically met by jointly operating two or more facilities or combinations of different types of facilities financed or constructed as part of the same project as one operational and financial enterprise, it may create a system composed of those facilities or combinations of facilities. The commission may create more than one system and may combine two or more systems into one system. The commission may finance, construct, and operate an additional facility or combination of facilities as an expansion of a system if the commission determines that the facility or combination of facilities would most efficiently and economically be constructed and operated if the facility or combination of facilities [~~it~~] were a part of the system and that the addition will benefit the system. A system may only include facilities located wholly or partly within the territory of:

- (1) a metropolitan planning organization; or
- (2) two adjacent department districts.

(a-1) Subsection (a) does not prohibit the department from creating a system that includes a facility that extends continuously through the territory of:

- (1) two or more metropolitan planning organizations;
- or
- (2) more than two adjacent department districts.

(b) Section 227.023(c), Transportation Code, as added by **HB 3588**, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(c) To the extent and in the manner that the department may enter into comprehensive development agreements under Chapter 361 with regard to turnpikes, the department may enter into a

comprehensive development agreement [~~agreements~~] under this chapter that provides for the financing, development, design, construction, or operation of a facility or a combination of [~~with regard to~~] facilities on the Trans-Texas Corridor. All provisions of Chapter 361 relating to comprehensive development agreements for turnpikes apply to comprehensive development agreements for facilities under this chapter, including provisions relating to the confidentiality of information. Claims arising under a comprehensive development agreement are subject to Section 201.112.

SECTION _____. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.616 to read as follows:

Sec. 201.616. ANNUAL REPORT TO LEGISLATURE ON CERTAIN MATTERS. (a) Not later than December 1 of each year, the department shall submit a report to the legislature that details:

(1) the expenditures made by the department in the preceding state fiscal year in connection with:

(A) the unified transportation program of the department;

(B) turnpike projects and toll roads of the department;

(C) the Trans-Texas Corridor;

(D) rail facilities described in Chapter 91; and

(E) non-highway facilities on the Trans-Texas Corridor if those expenditures are subject to Section 227.062(c);

(2) the amount of bonds or other public securities issued for transportation projects; and

(3) the direction of money by the department to a regional mobility authority in this state.

(b) The report must break down information under Subsection (a)(1)(A) by program category and department district. The report must break down information under Subsections (a)(1)(B), (C), (D), and (E) and Subsection (a)(3) by department district. The report must break down information under Subsection (a)(2) by department district and type of project.

(c) The report may be submitted in an electronic format.

SECTION _____. (a) Section 91.071, Transportation Code, as

added by HB 3588, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 91.071. [~~PERMISSIBLE SOURCES OF~~] FUNDING. (a) Except as provided in Subsection (b), the [~~The~~] department may use any available funds to implement this chapter [~~legally permissible source of funding in acquiring, constructing, maintaining, and operating a rail facility or system~~], including funds[+]

~~[(1) appropriations from the state highway fund that are not dedicated for another purpose by Section 7-a or 7-b, Article VIII, Texas Constitution,~~

~~[(2) proceeds from bonds secured by the Texas Mobility Fund,~~

~~[(3) donations, whether in kind or in cash, and~~

~~[(4) loans]~~ from the state infrastructure bank.

(b) Each fiscal year, the total amount disbursed by the department from the state highway fund to implement this chapter may ~~[out of federal and state funds shall]~~ not exceed \$12.5 million. This subsection does not apply to:

(1) [~~disbursements for the acquisition or construction of rail lines on the Trans-Texas Corridor,~~

~~[(2)]~~ the acquisition of abandoned rail facilities described in Section 91.007;

(2) [(3)] funding derived from the issuance of bonds, private investment, and donations;

(3) federal funds[~~, and grants or loans~~] from the Federal Railroad Administration, from the [~~or~~] Federal Transit Administration, or authorized and appropriated by the United States Congress for a specific project; [~~and~~]

(4) grants awarded by the governor from the Texas Enterprise Fund; and

(5) grading and bed preparation.

(b) The Texas Transportation Commission shall propose rules governing the disbursement of funds for the acquisition of abandoned rail facilities described in Section 91.007, Transportation Code. The rules shall prescribe criteria for the Texas Department of Transportation's acquisition of abandoned rail facilities. In establishing criteria, the Texas Transportation

Commission shall consider the local and regional economic benefit realized from the disbursement of funds in comparison to the amount of the disbursement.

(c) If this Act receives the vote necessary for immediate effect, the Texas Transportation Commission shall propose the rules required by Subsection (b) of this section not later than September 30, 2003. If this Act does not receive the vote necessary for immediate effect, the Texas Transportation Commission shall propose the rules required by Subsection (b) of this section not later than December 1, 2003.