

BILL ANALYSIS

S.B. 1131
By: Hinojosa
Transportation
Committee Report (Amended)

BACKGROUND AND PURPOSE

The location of Port Aransas makes its residents particularly vulnerable to a catastrophic hurricane as well as a series of small, fast-moving hurricanes. Given this vulnerability, city officials recently traveled to Florida to get a better understanding of what actions are needed for a major evacuation, given Florida's unique experience last hurricane season. As a result of their trip, Port Aransas city officials realized that adequate evacuation scenarios are not available to protect Port Aransas residents. In particular, the Port Aransas ferry is well below the capacity needed for an emergency evacuation. In addition, the ferry's current location is heavily affected by rough seas. Thus, the safe transportation of residents is at risk.

Expansion of the ferry landing will require relocating the landing. Though the state and the Texas Department of Transportation are aware of this problem, the funding needed for an upgrade to a faster and more efficient ferry system is not immediately available.

S.B. 1131 provides a way to fund a major upgrade of the current Port Aransas ferry by allowing the Texas Transportation Commission to transfer a ferry to a county or a local

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 4 of this bill.

ANALYSIS

SECTION 1. Amends the heading to Chapter 284, Transportation Code, to read as follows:

CHAPTER 284. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND HIGHWAYS IN CERTAIN COUNTIES

SECTION 2. Amends Section 284.001(3), Transportation Code, to redefine "project" by adding ferry to the definition.

SECTION 3. Amends Section 284.003, Transportation Code, to authorize a county, acting through the commissioners court of the county, or a local government corporation, without state approval, supervision, or regulation to construct, acquire, or operate a ferry across a deep-water navigation channel.

SECTION 4. Amends Subchapter A, Chapter 284, Transportation Code, by adding Section 284.011, as follows:

Sec. 284.011. CONVEYANCE OF FERRY CONNECTING STATE HIGHWAYS. (a) Authorizes the Texas Transportation Commission (commission) by order to convey a ferry operated under Section 342.001 to a county or local government corporation incorporated under Chapter 431 in a county to which this chapter applies if certain conditions are met.

(b) Requires a county or local government corporation to reimburse the commission for the cost of a conveyed ferry unless the commission determines that the conveyance will result in a substantial net benefit to the state, the Texas

Department of Transportation, and the traveling public that equals or exceeds that cost.

(c) Requires the commission, in computing the cost of the ferry, to make certain inclusions and considerations.

(d) Requires the commission, at the time the ferry is conveyed, to remove the ferry from the state highway system. Provides that after a conveyance, the commission has no liability, responsibility, or duty for the maintenance or operation of the ferry.

(e) Requires the commission, before conveying a ferry that is a part of the state highway system under this section, to conduct a public hearing at which interested persons are required to be allowed to speak on the proposed conveyance. Requires notice of the hearing to be published in the Texas Register, and one or more newspapers of general circulation in the county in which the ferry is located.

(f) Requires the commission to adopt rules to implement this section. Requires the rules to include criteria and guidelines for approval of a conveyance of a ferry.

(g) Requires a county or local government corporation to establish criteria and guidelines for approval of the transfer of a ferry under this section.

(h) Authorizes a county or local government corporation to temporarily charge a toll for use of a ferry transferred under this section to pay the costs necessary for an expansion of the ferry and to permanently charge a toll for the use of ferry facilities that are an expansion of the ferry transferred under this section.

(i) Prohibits the commission from conveying a ferry under this section if the ferry is located in a municipality with a population of 8,000 or less unless the city council of the municipality approves the transfer.

SECTION 5: Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

EXPLANATION OF AMENDMENTS

The committee amendment #1 modifies the bill by requiring the majority of voters in the municipality in which the ferry is located to approve the conveyance by referendum. It also requires the governing body of that municipality to hold an election on the approval of the conveyance.