

## **BILL ANALYSIS**

Senate Research Center  
79R11319 MTB-D

C.S.S.B. 1336  
By: Madla  
Transportation & Homeland Security  
4/14/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The City of Presidio and the County of Presidio, in a joint cooperative effort, are working to gain ownership of the United States (U.S.) portion of the Presidio International Bridge from the Texas Department of Transportation (TxDOT) in order to initiate charging tolls for crossing to Mexico. The U.S. portion of the bridge is currently owned and maintained by TxDOT. There is no toll charged for traveling from the US. to Mexico, but Mexico charges a toll for traveling from Mexico to the U.S..

The toll revenues collected by Presidio will be used to pay any obligations that are incurred as part of the process of obtaining ownership, pay for all ongoing bridge operation and maintenance costs, and pay any other costs related to the bridge, road, and toll booth facilities required in order to collect tolls. All revenues in excess of these bridge-related expenses would be used by the city and county for the benefit of their residents.

Presidio is a low-income area along the border with Mexico. The city and county have a limited tax base coupled with significant demands for infrastructure and services. The unrestricted use of toll revenues from the Presidio International Bridge will allow the city and county to better meet the needs of Presidio citizens as well as provide the basis for economic growth. A major potential source of this growth will result from increased border commerce with Mexico.

This increase in commerce can be expected to occur due to initiatives on both sides of the border. Over the past ten years, the State of Chihuahua has emphasized the promotion of trade through the Presidio/Ojinaga port of entry. Significant infrastructure investments by Chihuahua are part of this initiative. The Entrada al Pacifico initiative will also increase commercial traffic through Presidio/Ojinaga, heightening the need for improved infrastructure in Presidio.

The City and County of Presidio examined a number of existing options that would allow TxDOT to convey the Presidio International Bridge jointly to the city and county. Presidio found that none of these options allowed for the joint ownership of the bridge and the unrestricted use of toll revenues. Based on this analysis, Presidio determined the proposed legislative approach was the best method for conveying the Presidio International Bridge to the city and county.

Once the Texas Legislature passes this legislation allowing conveyance of the bridge to Presidio from TxDOT, the city and county will pursue necessary federal legislation that will allow charging of tolls on the U.S. portion of the bridge. Since U.S. Federal Highway Administration funds were used in the construction of the U.S. portion of the bridge, federal law prohibits charging tolls unless specifically authorized by federal legislation. Precedent for federal legislation of this type exists.

C.S.S.B. 1336 requires TxDOT to sell or convey the part of the Presidio International Bridge owned by this state to City of Presidio and Presidio County and does not limit the uses of any toll revenues that may be collected by the city and county.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 202, Transportation Code, by adding Section 202.034, as follows::

Sec. 202.034. PRESIDIO INTERNATIONAL BRIDGE. Requires the Texas Department of Transportation to sell or convey the part of the Presidio International Bridge owned by this state to the City of Presidio and Presidio County. Requires a sale or conveyance under this section to comply with all state and federal rules governing the transaction.

SECTION 2. Effective date: upon passage or September 1, 2005.