

## **BILL ANALYSIS**

C.S.S.B. 1384  
By: Shapiro  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

CSSB 1384 amends the enabling statute of the North Texas Tollway Authority (NTTA) to clarify contractual obligations and public notice requirements to improve the effectiveness and efficiency of the Authority's business operations.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 201, Section 201.113 of the Transportation Code as follows:

Section 201.113. AGREEMENTS WITH REGIONAL TOLLWAY AUTHORITIES. Provides that the Texas Transportation Commission in contracting with a Regional Tollway Authority to carry out an improvement on the state highway system may agree to operate under the provisions, rules and procedures of the Regional Tollway Authority in carrying out the improvement in lieu of the procedures of the Texas Department of Transportation (TxDOT). This legislation would allow the NTTA and TxDOT increased flexibility in determining which provisions would apply to a project in a contractual situation. This is important to continue to encourage entities like the NTTA to find innovative solutions to solve the region's transportation needs.

SECTION 2. Amends Chapter 361, Section 361.301 of the Transportation Code as follows:

Section 361.301. AGREEMENTS WITH PUBLIC ENTITIES. Allows the Texas Department of Transportation to enter into an agreement with a public entity to design, develop, finance, construct, maintain, repair, or operate turnpike projects. Provides the regional tollway authority in carrying out a function as a condition of the agreement may do so under its rules and procedures in lieu of the procedures of the department.

SECTION 3. Amends Chapter 366, Section 366.033 (b) of the Transportation Code as follows:

Section 366.033. Revises the authority's notice procedures regarding rules adopted by the authority to allow publication in a newspaper of general circulation in the region for two consecutive weeks and removes the provision requiring publication in the Texas Register. CSSB 1384 also removes the archaic requirement that the Authority comply with the Administrative Procedures Act, which applies only to state agencies and was transferred to the NTTA statute as a result of the dissolution of the Texas Turnpike Authority in 1997. This language modifies the NTTA's notice requirements to more adequately address the needs of the authority's constituency, the citizens of North Texas, and mirror those of other regional agencies, which are not required to comply with the Administrative Procedures Act.

SECTION 4. Amends Chapter 366, Section 366.033 of the Transportation Code as follows:

Section 366.033 (k). Allows the authority, upon entering into a contract with a party to provide any function with respect to a turnpike project, system or other improvement

authorized by law, to utilize its laws, rules or procedures in regards to the project in lieu of the laws, rules, or procedures of the contracting party.

SECTION 5. The bill takes effect September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

SECTION 1. The committee substitute replaces "notwithstanding" with "in lieu of" under subsection (c).

SECTION 2. The committee substitute replaces "notwithstanding" with "in lieu of" under subsection (b).

SECTION 3. Under subsection (k), the committee substitute deletes "or other project on behalf of a governmental entity" and substitutes "or improvement authorized by law on behalf of a governmental entity." The substitute also deletes "notwithstanding" under subsection (k) and replaces it with "in lieu of" under line 9.