

By: Staples

S.C.R. No. 10

1 SENATE CONCURRENT RESOLUTION

2 WHEREAS, The current federal funding system for
3 transportation does not provide enough flexibility to Texas and
4 other states regarding tools to deliver needed transportation
5 projects faster and more efficiently; and

6 WHEREAS, Federal funding for highway, highway safety, and
7 transit programs is included in a surface transportation bill
8 passed by Congress every six years; the most recent such bill, the
9 Transportation Equity Act for the 21st Century, expired in 2003 and
10 was followed by a series of short-term extensions to ensure a steady
11 stream of funding to the states; and

12 WHEREAS, The 109th Congress is debating legislation to
13 reauthorize the Transportation Equity Act for the 21st Century to
14 provide federal transportation funding to states over the next six
15 years, and it is critically important to include provisions
16 encompassing Texas' priorities for flexible transportation
17 financing and project delivery; and

18 WHEREAS, These priorities, which could significantly advance
19 the transportation system in Texas, include increased flexibility
20 with regard to design-build contracting, multimodal transportation
21 project environmental review, interstate tolling, toll credit
22 calculation, bond financing, the federal Borders and Corridors
23 Program, the delivery of federal funds, and right-of-way
24 acquisition; and

1 WHEREAS, A top Texas priority for the Transportation Equity
2 Act for the 21st Century reauthorization legislation is a provision
3 to remove federal restrictions on state procurement processes and
4 allow a state highway contractor to perform environmental review as
5 well as design and construction under a single design-build
6 contract, which the Texas Department of Transportation currently
7 uses to combine design and construction of state highway projects
8 into one contract, as opposed to the traditional approach of having
9 separate contracts for each sequential project phase; and

10 WHEREAS, Another priority is allowing states to take a
11 concurrent and segmented approach to environmental reviews so that
12 they could begin environmental and design work on one part of a
13 multimodal transportation project--which could involve transit
14 systems, toll roads, highway facilities, and other modes of
15 transportation--at the same time that construction begins on
16 another segment of the project; and

17 WHEREAS, The Texas Department of Transportation also
18 prioritizes eliminating federal restrictions on tolling interstate
19 highways and on the use of toll revenues; additional state options
20 for interstate tolling would significantly expand Texas' ability to
21 address congestion and mobility issues more effectively; and

22 WHEREAS, Priorities also include amending the current toll
23 credit calculation and providing states with greater flexibility in
24 using toll credits to finance projects; while it is useful that
25 states can apply the value of certain highway expenditures funded
26 with toll revenues toward the required state match on projects
27 receiving federal funds, the credit should be calculated on a pro

1 rata basis that takes into account the state level of financial
2 investment in a project funded by toll revenues; and

3 WHEREAS, Authorizing the use of private activity bonds for a
4 broad range of surface transportation projects is another priority;
5 currently, highway, rail, and intermodal surface projects, which
6 provide a convenient transition from one mode of travel to another,
7 are ineligible for private sector investment; and

8 WHEREAS, The increasing level of truck traffic at Texas ports
9 of entry is the reason behind prioritizing realignment of the
10 federal Borders and Corridors Program; over time, this program has
11 evolved away from its core functions of promoting national economic
12 growth in relation to international trade and facilitating the safe
13 movement of people and goods across United States borders; and

14 WHEREAS, If Texas receives designation as a pilot state for a
15 proposed federal program to test a performance-based management
16 approach to the delivery of federal funds, our state could manage
17 federal-aid transportation programs, including Interstate
18 Maintenance, National Highway System, Surface Transportation, and
19 Highway Safety Improvement, as a single block grant; and

20 WHEREAS, Texas' transportation priorities to accelerate
21 project delivery also include allowing states to use federal funds
22 to pay options to property owners for potential acquisition of
23 right-of-way, similar to normal right-of-way acquisition; and

24 WHEREAS, Not only is Texas' highway capacity falling behind
25 demand, its rail infrastructure lags in efficiency as well; the
26 ability to dedicate a portion of federal highway funds to relocate
27 rail outside of cities and to support rail improvements would have a

1 significant impact on the free flow of traffic and safer movement of
2 hazardous material; and

3 WHEREAS, Other states occasionally run the risk of allowing
4 their contract authority for United States Federal Highway
5 Administration programs to lapse due to an inability to obligate
6 those funds before they expire; states that have available
7 nonfederal funds can provide financial assistance to these states
8 by purchasing their unused contract authority, thereby increasing
9 federal funds; now, therefore, be it

10 RESOLVED, That the 79th Legislature of the State of Texas
11 hereby respectfully urge the Congress of the United States to
12 include in the Transportation Equity Act for the 21st Century
13 reauthorization legislation provisions encompassing Texas'
14 priorities for flexible transportation financing and project
15 delivery; these provisions should include but are not limited to:

16 (1) allowing design-build authority for contractors
17 to include environmental review, design, and construction of a
18 project under a single contract;

19 (2) allowing concurrent environmental review for
20 multimodal transportation projects;

21 (3) providing options for tolling interstate highways
22 in Texas (within any limitations of state law);

23 (4) implementing a pro rata toll credit calculation;

24 (5) allowing private activity bonds for
25 transportation projects;

26 (6) realigning the Borders and Corridors Program;

27 (7) including Texas in the surface transportation

1 system performance pilot program;

2 (8) expanding options for federal reimbursement for
3 right-of-way acquisition;

4 (9) allowing states to dedicate a portion of federal
5 highway funds to relocate rail outside of cities and to support rail
6 improvements; and

7 (10) allowing states to purchase unused contract
8 authority for United States Federal Highway Administration
9 programs from other states; and, be it further

10 RESOLVED, That the Texas secretary of state forward official
11 copies of this resolution to the president of the United States, to
12 the speaker of the house of representatives and the president of the
13 senate of the United States Congress, and to all the members of the
14 Texas delegation to the congress with the request that this
15 resolution be officially entered in the Congressional Record as a
16 memorial to the Congress of the United States of America.