

By: Staples

S.C.R. No. 10

CONCURRENT RESOLUTION

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

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

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

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

23           WHEREAS, A top Texas priority for TEA-21 reauthorization  
24 legislation is a provision to remove federal restrictions on state

1 procurement processes and allow a state highway contractor to  
2 perform environmental review as well as design and construction  
3 under a single design-build contract, which the Texas Department of  
4 Transportation (TxDOT) currently uses to combine design and  
5 construction of state highway projects into one contract, as  
6 opposed to the traditional approach of having separate contracts  
7 for each sequential project phase; and

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

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

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

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

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

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

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

22           WHEREAS, Not only is Texas' highway capacity falling behind  
23 demand, its rail infrastructure lags in efficiency as well; the  
24 ability to dedicate a portion of federal highway funds to relocate  
25 rail outside of cities and to support rail improvements would have a  
26 significant impact on the free flow of traffic and safer movement of  
27 hazardous material; and

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

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

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

17           (2) allowing concurrent environmental review for  
18 multimodal transportation projects;

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

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

22           (5) allowing private activity bonds for  
23 transportation projects;

24           (6) realigning the Borders and Corridors Program;

25           (7) including Texas in the surface transportation  
26 system performance pilot program;

27           (8) expanding options for federal reimbursement for

1 right-of-way acquisition;

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

5 (10) allowing states to purchase unused contract  
6 authority for U.S. Federal Highway Administration programs from  
7 other states; and, be it further

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