

1-1 By: Staples S.C.R. No. 10  
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 25, 2005, reported favorably by the following  
1-5 vote: Yeas 6, Nays 0; April 25, 2005, sent to printer.)

1-6 SENATE CONCURRENT RESOLUTION

1-7 WHEREAS, The current federal funding system for  
1-8 transportation does not provide enough flexibility to Texas and  
1-9 other states regarding tools to deliver needed transportation  
1-10 projects faster and more efficiently; and

1-11 WHEREAS, Federal funding for highway, highway safety, and  
1-12 transit programs is included in a surface transportation bill  
1-13 passed by Congress every six years; the most recent such bill, the  
1-14 Transportation Equity Act for the 21st Century, expired in 2003 and  
1-15 was followed by a series of short-term extensions to ensure a steady  
1-16 stream of funding to the states; and

1-17 WHEREAS, The 109th Congress is debating legislation to  
1-18 reauthorize the Transportation Equity Act for the 21st Century to  
1-19 provide federal transportation funding to states over the next six  
1-20 years, and it is critically important to include provisions  
1-21 encompassing Texas' priorities for flexible transportation  
1-22 financing and project delivery; and

1-23 WHEREAS, These priorities, which could significantly advance  
1-24 the transportation system in Texas, include increased flexibility  
1-25 with regard to design-build contracting, multimodal transportation  
1-26 project environmental review, interstate tolling, toll credit  
1-27 calculation, bond financing, the federal Borders and Corridors  
1-28 Program, the delivery of federal funds, and right-of-way  
1-29 acquisition; and

1-30 WHEREAS, A top Texas priority for the Transportation Equity  
1-31 Act for the 21st Century reauthorization legislation is a provision  
1-32 to remove federal restrictions on state procurement processes and  
1-33 allow a state highway contractor to perform environmental review as  
1-34 well as design and construction under a single design-build  
1-35 contract, which the Texas Department of Transportation currently  
1-36 uses to combine design and construction of state highway projects  
1-37 into one contract, as opposed to the traditional approach of having  
1-38 separate contracts for each sequential project phase; and

1-39 WHEREAS, Another priority is allowing states to take a  
1-40 concurrent and segmented approach to environmental reviews so that  
1-41 they could begin environmental and design work on one part of a  
1-42 multimodal transportation project--which could involve transit  
1-43 systems, toll roads, highway facilities, and other modes of  
1-44 transportation--at the same time that construction begins on  
1-45 another segment of the project; and

1-46 WHEREAS, The Texas Department of Transportation also  
1-47 prioritizes eliminating federal restrictions on tolling interstate  
1-48 highways and on the use of toll revenues; additional state options  
1-49 for interstate tolling would significantly expand Texas' ability to  
1-50 address congestion and mobility issues more effectively; and

1-51 WHEREAS, Priorities also include amending the current toll  
1-52 credit calculation and providing states with greater flexibility in  
1-53 using toll credits to finance projects; while it is useful that  
1-54 states can apply the value of certain highway expenditures funded  
1-55 with toll revenues toward the required state match on projects  
1-56 receiving federal funds, the credit should be calculated on a pro  
1-57 rata basis that takes into account the state level of financial  
1-58 investment in a project funded by toll revenues; and

1-59 WHEREAS, Authorizing the use of private activity bonds for a  
1-60 broad range of surface transportation projects is another priority;  
1-61 currently, highway, rail, and intermodal surface projects, which  
1-62 provide a convenient transition from one mode of travel to another,  
1-63 are ineligible for private sector investment; and

1-64 WHEREAS, The increasing level of truck traffic at Texas ports

2-1 of entry is the reason behind prioritizing realignment of the  
2-2 federal Borders and Corridors Program; over time, this program has  
2-3 evolved away from its core functions of promoting national economic  
2-4 growth in relation to international trade and facilitating the safe  
2-5 movement of people and goods across United States borders; and

2-6 WHEREAS, If Texas receives designation as a pilot state for a  
2-7 proposed federal program to test a performance-based management  
2-8 approach to the delivery of federal funds, our state could manage  
2-9 federal-aid transportation programs, including Interstate  
2-10 Maintenance, National Highway System, Surface Transportation, and  
2-11 Highway Safety Improvement, as a single block grant; and

2-12 WHEREAS, Texas' transportation priorities to accelerate  
2-13 project delivery also include allowing states to use federal funds  
2-14 to pay options to property owners for potential acquisition of  
2-15 right-of-way, similar to normal right-of-way acquisition; and

2-16 WHEREAS, Not only is Texas' highway capacity falling behind  
2-17 demand, its rail infrastructure lags in efficiency as well; the  
2-18 ability to dedicate a portion of federal highway funds to relocate  
2-19 rail outside of cities and to support rail improvements would have a  
2-20 significant impact on the free flow of traffic and safer movement of  
2-21 hazardous material; and

2-22 WHEREAS, Other states occasionally run the risk of allowing  
2-23 their contract authority for United States Federal Highway  
2-24 Administration programs to lapse due to an inability to obligate  
2-25 those funds before they expire; states that have available  
2-26 nonfederal funds can provide financial assistance to these states  
2-27 by purchasing their unused contract authority, thereby increasing  
2-28 federal funds; now, therefore, be it

2-29 RESOLVED, That the 79th Legislature of the State of Texas  
2-30 hereby respectfully urge the Congress of the United States to  
2-31 include in the Transportation Equity Act for the 21st Century  
2-32 reauthorization legislation provisions encompassing Texas'  
2-33 priorities for flexible transportation financing and project  
2-34 delivery; these provisions should include but are not limited to:

2-35 (1) allowing design-build authority for contractors  
2-36 to include environmental review, design, and construction of a  
2-37 project under a single contract;

2-38 (2) allowing concurrent environmental review for  
2-39 multimodal transportation projects;

2-40 (3) providing options for tolling interstate highways  
2-41 in Texas (within any limitations of state law);

2-42 (4) implementing a pro rata toll credit calculation;

2-43 (5) allowing private activity bonds for  
2-44 transportation projects;

2-45 (6) realigning the Borders and Corridors Program;

2-46 (7) including Texas in the surface transportation  
2-47 system performance pilot program;

2-48 (8) expanding options for federal reimbursement for  
2-49 right-of-way acquisition;

2-50 (9) allowing states to dedicate a portion of federal  
2-51 highway funds to relocate rail outside of cities and to support rail  
2-52 improvements; and

2-53 (10) allowing states to purchase unused contract  
2-54 authority for United States Federal Highway Administration  
2-55 programs from other states; and, be it further

2-56 RESOLVED, That the Texas secretary of state forward official  
2-57 copies of this resolution to the president of the United States, to  
2-58 the speaker of the house of representatives and the president of the  
2-59 senate of the United States Congress, and to all the members of the  
2-60 Texas delegation to the congress with the request that this  
2-61 resolution be officially entered in the Congressional Record as a  
2-62 memorial to the Congress of the United States of America.

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