

## **BILL ANALYSIS**

C.S.S.B. 668  
By: Watson  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law does not address the provision of information and oversight of regional mobility authorities (“RMAs”) and TxDOT by metropolitan planning organizations (“MPOs”). Current law also prohibits elected officials from serving on the board of an RMA. C.S.S.B. 668 amends current law to provide for the reporting of certain types of information by TxDOT and an RMA to an MPO; approval of certain specified actions of TxDOT and an RMA by an MPO; joint review of financial information by an MPO and a toll project entity (TxDOT and an RMA) and permits an elected official to serve on the governing body of a RMA, thereby increasing the input that MPOs, usually comprised of elected officials, may have in the actions of these authorities.

### **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 Subtitle G, Title 6, Transportation Code by adding Chapter 371 as follows:

Defines “toll project” as a toll project described by Section 201.001(b). Defines “toll project entity” to include TxDOT and a regional mobility authority under Chapter 370.

Requires a toll project entity and the MPO that serves an area within the boundaries of the toll project entity to appoint a committee to review the financial data on planned and existing toll projects located within the planning area of the MPO. Provides that the MPO shall appoint to the committee as representatives of the MPO the chair, vice chair, and no more than three other members serving on the policy board of the organization. Further provides that if possible, the appointed members shall be elected officials. Provides that the toll project entity shall appoint as representative of the entity no more than five members of the governing body of the entity or their designees, including the elected official, if any, serving on the governing body of the entity. Provides that the chair of the MPO shall chair the committee.

Requires a toll project entity to file not later than March 31 of each year with the commissioners court of each county in which the entity operates a written report on the findings of the committee. Provides that representatives of the board and the administrative head of the entity shall appear before the commissioners court at the commissioners court’s invitation to present the report and receive questions and comments. Provides that the report required may be given in conjunction with the annual report required of regional mobility authorities by Section 370.261.

Requires a toll project entity to reimburse a local government for any money contributed by the local government to a toll project operated by the entity unless 1) the money is from the proceeds of bonds issued after the voters of the local government approved authorizing issuance of the bonds for the toll project in an election held for that purpose; or 2) the governing body of the local government voted publicly to approve or ratify the financing or use of money for the toll project. Provides that this requirement does not apply to money contributed by a local government to a toll project before the effective date of this act.

Requires a toll project entity to obtain approval of the policy board of the MPO that serves the area in which the entity is located prior to 1) leasing, selling, or conveying a toll project for operation by a private participant; or 2) entering into a contract with a private participant to operate and collect revenue from the toll project in exchange for a share of toll revenues from the project. Requires a toll project entity to report to the policy board of applicable MPO before it may 1) increase toll rates; 2) refinance outstanding indebtedness of the project; 3) continue to impose tolls after the discharge of bonded indebtedness on the project unless the tolls are imposed to pay for the maintenance and operation of the project; or 4) spend surplus revenue from the project on other transportation projects. Provides that approval of the MPO is not required for those actions for which a report is required.

SECTION 2. Amends Section 370.251 to provide that one of the directors of a regional mobility authority may be an elected official of a locally elected body.

SECTION 3. Provides that the change in the law under Section 370.251 does not affect the entitlement of a director serving on the board of a regional mobility authority immediately before the effective date of the act to continue to serve and function as a director for the remainder of the director's term and applies only to a director appointed to the board of directors of a regional mobility authority on or after the effective date of the act.

SECTION 4. Effective date: September 1, 2007.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original bill also applied to regional tollway authorities and county toll authorities; the substitute applies only to regional mobility authorities and TxDOT. The original bill provided that at least one of the members that an entity appoints to the governing body of a toll project entity must be an elected official; the substitute limits the number of elected officials that may serve on a regional mobility authority board to one and makes the inclusion of an elected official on the board optional.

The original bill included provisions regarding access to right-of-way by toll project entities that do not appear in the substitute. The original bill required MPO approval for certain items for which the substitute requires only that a report be made to the MPO, including increasing toll rates, refinancing outstanding indebtedness of a project, continuing to impose tolls after the discharge of bonded indebtedness on a project unless the tolls are imposed to pay for the maintenance and operation of the project, and spending surplus revenue. The substitute removes the requirement in the original bill for MPO authorization prior to a toll project entity's undertaking of preliminary engineering of environmental studies.