

## **BILL ANALYSIS**

H.B. 1871  
By: Smith, Wayne  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2007, the 80th Legislature, Regular Session, enacted H.B. 3011, signed by the governor authorizing the creation of a ship channel security district, a public-private organization that is the first of its kind in the country to provide a robust security and communications environment around the Harris County region's vast intermodal and multimodal transportation hub. Harris County expects the owners of a majority of facilities in the proposed district to present a petition to the commissioners court to create a security district within the next three to four months.

To facilitate this landmark effort, the county began engineering the design of the communications and security network to support the proposed district. In concert with the Texas Department of Transportation's (TxDOT) Houston district, the county proposed to use the state's existing transportation fiber optic network, right-of-way, and facilities. In return, the county would give the state access to video, information systems, and communications relating to critical infrastructure not currently accessible.

TxDOT has expressed concern that no specific statutory authority exists to allow TxDOT to grant the county use of its infrastructure for any purpose outside strictly transportation-related functions. The intent is for the legislation to apply only to projects supporting the proposed ship channel security district.

H.B. 1871 authorizes a ship channel security district or Harris County to execute interlocal agreements with TxDOT to utilize existing state infrastructure to support the implementation of a security and communications system around the Houston ship channel.

### **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**

H.B. 1871 amends the Water Code to authorize a ship channel security district or a county whose commissioners court has created a ship channel security district to enter into an agreement with the Texas Department of Transportation (TxDOT) to provide for use of TxDOT's facilities or property to aid security in the district. The bill establishes that use of TxDOT's facilities or property to serve a project aiding security in a ship channel security district serves a transportation purpose.

H.B. 1871 authorizes a county that has entered into an agreement with TxDOT for use of TxDOT's fiber optic network for transportation purposes to use the fiber optic network to serve a project aiding security in a ship channel security district in the same manner as other transportation purposes unless the agreement precludes the use of the fiber optic network for that purpose.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.