

## **BILL ANALYSIS**

S.B. 384  
By: Carona  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 228.004, Transportation Code, currently authorizes the Texas Department of Transportation (TxDOT) to engage in marketing, advertising, and other activities to promote the development and use of toll projects. Publicity and media should simply be informative and not persuasive, but TxDOT has been found to have used advertising and publicity funds to promote toll projects as a policy.

As proposed, S.B. 384 authorizes TxDOT to engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing toll projects and enter into contracts or agreements to procure marketing, advertising, or information services from outside providers. The bill explicitly states that TxDOT is not authorized to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Section 228.004, Transportation Code, as follows:

Sec. 228.004. New heading: TOLL PROJECT INFORMATION. (a) Creates this subsection from existing text. Authorizes the Texas Department of Transportation (TxDOT), notwithstanding Chapter 2113 (Use of Appropriated Money), Government Code, to engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing toll projects, rather than to promote the development and use of toll projects, and enter into contracts or agreements necessary to procure marketing, advertising, or informational services, rather than other promotional services, from outside providers.

(b) Provides that this section does not authorize TxDOT to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.

### **EFFECTIVE DATE**

September 1, 2009