

By: Coleman

H.R. No. 708

R E S O L U T I O N

1 WHEREAS, the American Recovery and Reinvestment Act of 2009
2 (Recovery Act) was enacted by the Congress and approved by the
3 President of the United States on February 17, 2009, to, among other
4 things, "preserve and create jobs and promote economic recovery [;]
5 assist those most impacted by the recession[; and] invest in
6 transportation, environmental protection and other infrastructure
7 that will provide long-term economic benefits;" and

8 WHEREAS, the Recovery Act provides that its appropriated
9 funds shall be used to achieve the Act's purposes "as quickly as
10 possible consistent with prudent management;" and

11 WHEREAS, Texas is entitled to approximately \$2.2 billion in
12 funds under the Recovery Act for transportation projects in this
13 State, out of which approximately \$500 million will be directly
14 provided to local authorities; and

15 WHEREAS, the Recovery Act directs the State to consider and
16 prioritize designated criteria in approving transportation
17 construction projects in order to better achieve the overall goals
18 of the Act; and

19 WHEREAS, Texas has a backlog of transportation
20 infrastructure projects to ease the increasing highway congestion,
21 both in magnitude and geography, that the State has experienced for
22 the past three decades, with traffic delay in the State's urban
23 areas increasing more than 500 percent in the last two decades; and

24 WHEREAS, the Act allows the Texas Transportation Commission

1 (commission) and the Texas Department of Transportation
2 (department) 120 days from the date of the President's approval (or
3 not earlier than June 17, 2009) to obligate 50 percent of all money
4 provided under the Recovery Act to the State for transportation
5 projects; and

6 WHEREAS, the Act allows the commission and department 365
7 days from the date of the President's approval (or not earlier than
8 February 17, 2010) to obligate the remaining 50 percent of the money
9 provided under the Recovery Act to the State for transportation
10 projects; and

11 WHEREAS, the commission and the department have testified
12 before a committee of the House that the obligation process for the
13 first \$500 million of the State's total \$1.7 billion share of
14 Recovery Fund money for transportation was approved on February 26,
15 2009, for maintenance related projects, with no consideration of
16 the priorities listed in the Act, and without specific information
17 by project so that the Legislature and the public could evaluate how
18 the projects will maximize job creation and stimulate the Texas
19 economy toward achieving the goals of the Act; and

20 WHEREAS, the commission and the department have announced
21 their intent to begin the obligation process for the remaining \$1.2
22 billion of the State's share of Recovery Act transportation funds
23 for new construction projects on March 5, 2009; and

24 WHEREAS, the commission and the department are unable to
25 provide the House with sufficient information on the criteria by
26 which projects, both maintenance and new construction, were
27 selected; and

1 WHEREAS, the commission and the department have not been able
2 to clearly articulate how each project will spur a growth in jobs,
3 how each project will make a meaningful investment in the long-term
4 development of the State's transportation infrastructure
5 development, or how each project was prioritized to meet the
6 requirements of the Recovery Act; and

7 WHEREAS, it is exceedingly clear that the commission and
8 department are making a rush to judgment in obligating Recovery Act
9 money without providing a rational basis for those actions,
10 obtaining the advice and input of Members of the Legislature, or
11 assuring transparency and accountability in their decision-making
12 process;

13 WHEREAS, it is the duty of the legislative branch to make all
14 necessary provisions for the public good;

15 WHEREAS, it is in the public interest to ensure that Recovery
16 Act money is used to further the Act's purposes; and

17 WHEREAS, the House serves this public interest by providing
18 unambiguous direction to the commission and the department before
19 the irrevocable obligation of Recovery Act funds; now, therefore,
20 be it

21 RESOLVED, That the House of Representatives of the 81st Texas
22 Legislature:

23 (1) urges that the Texas Transportation Commission, the
24 executive director of the Texas Department of Transportation, and
25 all department employees take no steps to irrevocably obligate any
26 Recovery Act funds until the commission and the department can
27 articulate a rational basis for the priorities used to select the

1 projects for the initial \$500 million funding by Recovery Act
2 funds.

3 (2) requests the commission and the department provide the
4 House with a complete explanation of the project selection criteria
5 and its practical application, including how the commission and the
6 department considered the purposes and criteria of the Recovery
7 Act, and specifically including the Act's provisions directing that
8 funding priority be given to certain projects, and the data
9 concerning which projects most maximize job creation and long-term
10 economic stimulus.

11 (3) insists that the commission and department act
12 prudently in obligating Recovery Act money and in discharging its
13 fiduciary responsibilities to the people of Texas with particular
14 attention to transparency and accountability in all aspects of the
15 selection of projects and the obligation and expenditure of
16 Recovery Act funds.

17 (4) calls on the commission and the department to allow time
18 for meaningful input from elected officials at all levels of State
19 government.

20 (5) asserts that nothing in this resolution shall be
21 construed to authorize the commission or the department to take any
22 immediate action obligating Recovery Act funds.

23 (6) declares that the failure of the commission and the
24 department to conduct the people's business in a fair, open, and
25 accountable manner has lost them the confidence of the House and of
26 the people of Texas.