

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 8, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1669 by Nichols (Relating to the authority and powers of regional mobility authorities.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code regarding use of funds, powers and duties, and operations of regional mobility authorities (RMA), including authorizing an RMA to participate in the state travel management programs administered by the Comptroller of Public Accounts (CPA) for the purpose of obtaining reduced airline fares and reduced travel agency fees. CPA would be authorized to charge the RMA a fee not to exceed the costs incurred by the CPA in providing services to the authority. An RMA would also be authorized to borrow money from or enter into a loan agreement or other arrangement with the Texas Department of Transportation (TxDOT), the Texas Transportation Commission, or any other public or private entity.

An RMA would be required to provide, for reasonable compensation, tolling services, customer service and other toll collection and enforcement services for a toll project in the geographic boundaries of the authority, regardless of whether the toll project is developed, financed, constructed, and operated under an agreement, including a comprehensive development agreement, with the authority or another entity.

A tolling services agreement, including an agreement with TxDOT, would be allowed to include funding a cash collateral account for providing money that may be withdrawn as provided in the tolling services agreement because of an RMA's failure to make any payment as required by the agreement. TxDOT would be allowed to use money from any available source to fund a cash collateral account under the applicable subsection of statute.

An RMA would be required to enter into a written agreement establishing terms and conditions for services and for compensation in the toll services agreement. The bill would allow an RMA to agree in a tolling services agreement that its rights and obligations for providing services for the toll project are subject to termination for default and that upon such termination the requirements of the bill would no longer apply to that toll project. The bill would also provide for an RMA to waive the tolling services requirement under a written agreement between the RMA and the entity developing the toll project.

According to TxDOT, the Central Texas Regional Mobility Authority (CTRMA) would be the only RMA at this time that would be subject to the tolling services requirements of the bill due to the Central Texas Turnpike Project and SH 45 Southeast. For the purposes of this analysis it is assumed that CTRMA would waive the requirement by written agreement under the provisions of the bill for the toll projects already in operation that are currently receiving toll collection services from TxDOT's Customer Service Center. Based on this assumption, costs for duties and responsibilities associated with implementing the provisions of the bill for TxDOT are estimated to have no significant fiscal impact. If the requirement would not be waived, the fiscal implications could not be determined.

Because other local government entities are already authorized by statute to participate in the CPA's contract for travel service, based on information provided by the CPA, it is assumed that any costs for implementing provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

Although this bill would not make an appropriation, it would establish the basis for an appropriation.

Local Government Impact

According to information received from various RMAs, the flexibility in use of funds and changes in powers and duties would not have a significant fiscal impact. In addition, it is assumed that an RMA would participate in the state travel service contract if the savings in travel, combined with the cost of a fee imposed for participation, would provide a net savings over travel costs outside of the contract.

Source Agencies: 601 Department of Transportation, 304 Comptroller of Public Accounts

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