

BILL ANALYSIS

C.S.H.B. 1750
By: Darby
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is concern that the Texas Department of Transportation (TxDOT) lacks the authority to lease rail cars and to contract with a rail operator to provide for the emergency transport of grain and perishable products. Interested parties assert that legislation is needed that would authorize the department to temporarily secure such equipment and enter into a short-term contract with a rail operator on the finding by the executive director of TxDOT that an emergency exists that threatens health, life, or property in the affected area. C.S.H.B. 1750 seeks to address this issue by making statutory changes relating to the authority of TxDOT to lease and contract for the operation of rolling stock during certain emergencies.

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

C.S.H.B. 1750 amends the Transportation Code to authorize the executive director of the Texas Department of Transportation (TxDOT) to issue an order authorizing TxDOT to lease rolling stock and to contract with a qualified person or rail operator to operate rolling stock if the director determines that a natural or man-made condition exists that threatens a TxDOT rail facility or the provision of safe and efficient rail services using a TxDOT rail facility and the condition threatens health, life, or property in the affected area. The bill makes such an order effective according to the order's terms, but prohibits the order from taking effect until reasonable notice is given in a newspaper of general circulation in the affected area, through television or radio serving the affected area, or by circulating notices or posting signs at conspicuous places in the affected area. The bill requires the order to expire not later than the 30th day after the date the order is issued and authorizes the director to amend, modify, or rescind the order while the order is effective. The bill authorizes the director to issue one or more successive orders as necessary to protect health, life, or property in the affected area and requires each successive order to expire not later than the 30th day after the date the successive order is issued. The bill prohibits TxDOT from using TxDOT employees to operate rolling stock.

C.S.H.B. 1750 authorizes TxDOT to enter into a contract with a qualified person or rail operator to operate rolling stock for a period not to exceed 90 days without using competitive bidding procedures otherwise required by law if TxDOT attempts to negotiate with at least three qualified persons during the contracting process. The bill requires TxDOT, immediately after it enters into such a contract, to send a copy of the contract to the Legislative Budget Board and authorizes the copy to be sent in an electronic format, on request of the board. The bill authorizes TxDOT to use any available funds to implement the provisions of the bill, including the undedicated portion of the state highway fund and any money appropriated to TxDOT from the general revenue fund, regardless of whether there is a line-item appropriation for such a purpose. The bill defines "director."

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1750 contains provisions not included in the original requiring the Texas Department of Transportation to send a copy of a contract to operate rolling stock to the Legislative Budget Board immediately after entering into such a contract and authorizing the copy to be sent in an electronic format, on request of the board. The substitute differs from the original in nonsubstantive ways.