

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 24, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB1112** by Phillips (Relating to the authority and powers of regional mobility authorities.),  
**Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 370 of the Transportation Code to modify statutes regarding the authority and powers of a regional mobility authority (RMA).

The bill would amend the definition of (1) an RMA's "surplus revenue" to include revenue that exceeds an authority's payment obligation under a contract or agreement authorized by Chapter 370; and (2) an RMA's costs for building or expanding a transportation project to include payment obligations incurred by the building or expanding of a transportation project. Transportation projects would include building a parking facility and a collection device for parking fees; and improvements in a transportation reinvestment zone.

The bill would authorize an RMA to participate in the Comptroller of Public Account's (CPA) state travel management program; and borrow money from the Texas Department of Transportation (TxDOT) or any other public or private entity. Under current statute, local governmental entities are authorized to participate in the CPA's contract for travel service.

An RMA would be granted powers similar to those granted to the Texas Department of Transportation under Chapter 228, a county under Chapter 284, and a regional tollway authority under Chapter 366 for toll collection and enforcement on RMA turnpikes or other tollway projects developed, financed, constructed, and operated under an agreement with the authority or another entity.

The bill would include procedures for designation of an authority's board of directors and presiding officers if the authority is created by a municipality. The governor would be required to appoint an additional director to serve as the presiding officer if the authority is created by a municipality. The bill would provide that this section would have no effect if the Attorney General issued an opinion that the Texas Constitution, the common law doctrine of incompatibility, or any legal principle would prohibit a member of the governing body of a municipality from serving as a director of an authority.

The bill would specify that an authority governed under Section 370.2511 may not be dissolved except under certain circumstances as defined by the provisions of the bill.

The bill would repeal Section 370.317(d) of the Transportation Code.

The CPA reported there would be no administrative costs associated with implementing the provisions of the bill. Based on the analysis of TxDOT, it is assumed costs for duties and responsibilities associated with implementing the provisions of the bill would not have a significant fiscal impact to the state.

## **Local Government Impact**

According to TxDOT, provisions of the bill would provide RMAs greater flexibility to enter into agreements with other entities, including TxDOT, to finance projects, and pledge bond proceeds and gross revenue of a project to secure payment obligations of an RMA under agreement.

It is assumed that an RMA would participate in the CPA's travel management program if it would provide a savings in travel costs.

The Grayson County RMA reported there would be no fiscal impact.

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

**LBB Staff:** JOB, KJG, MW, TP, TG