

## **BILL ANALYSIS**

Senate Research Center

S.B. 1489  
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Transportation  
7/23/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, regional mobility authorities (RMA) provide certain services to assist other RMAs throughout the state. For example, through an interlocal agreement, the Cameron County RMA (CCRMA) is able to utilize the Central Texas RMA's toll processing services contract. This allows CCRMA to avoid a lengthy and expensive procurement process which, as a startup entity, is beneficial in allowing for resources to be committed to other aspects of the RMA's operations—particularly since, at this point, CCRMA is only tolling one project.

While the RMAs have taken the position that current statute adequately provides the authority to provide services outside of their own jurisdiction at the request of another entity, it has been argued that those services could constitute operations and that more explicit language should be added to Chapter 370 (Regional Mobility Authorities) of the Transportation Code to allow for the types of assistance discussed above.

S.B. 1489 amends current law relating to the powers and jurisdiction of a regional mobility authority.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 370.003(14), Transportation Code, to redefine "transportation project."

SECTION 2. Amends Section 370.033, Transportation Code, by amending Subsections (c) and (f) and adding Subsections (f-1) and (r), as follows:

(c) Authorizes a regional mobility authority (authority) to perform any function not specified by this chapter to promote or develop a transportation project that the authority is authorized to develop or operate under this chapter, rather than authorizes an authority, if requested by the Texas Transportation Commission, to perform any function not specified by this chapter to promote or develop a transportation project in the authority's area of jurisdiction.

(f) Authorizes an authority to enter into a contract, agreement, interlocal agreement, or other similar arrangement under which the authority is authorized to acquire, plan, design, construct, maintain, repair, or operate a transportation project on behalf of another governmental entity if:

(1) the transportation project is located in the authority's area of jurisdiction or in a county adjacent to the authority's area of jurisdiction;

(2) the transportation project is being acquired, planned, constructed, designed, operated, repaired, or maintained on behalf of the Texas Department of

Transportation (TxDOT) or another toll project entity, as defined by Section 372.001 (Definitions); or

(3) for a transportation project that is not described by Subdivision (1) or (2), TxDOT approves the acquisition, planning, construction, design, operation, repair, or maintenance of the project by the authority.

(f-1) Creates this subsection from existing text. Authorizes a contract or agreement under Subsection (f), rather than under this subsection, to contain terms and conditions as are authorized to be approved by an authority, including payment obligations of the governmental entity and the authority. Deletes existing text authorizing an authority to enter into a contract or agreement with TxDOT under which the authority will plan, develop, operate, or maintain a transportation project on behalf of TxDOT, subject to the transportation project being in the authority's area of jurisdiction.

(r) Prohibits this chapter from being construed to restrict the ability of an authority to enter into an agreement under Chapter 791 (Interlocal Cooperation Contracts), Government Code, with another governmental entity located anywhere in this state.

SECTION 3. Amends Section 370.161, Transportation Code, as follows:

Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER COUNTIES. Authorizes an authority to study, evaluate, design, finance, acquire, construct, operate, maintain, repair, expand, or extend a transportation project in a county in this state that is not a part of the authority if the county and authority enter into an agreement under Section 370.033(f) or a county in another state or the United Mexican States if each governing body of a political subdivision in which the project will be located agrees to the proposed study, evaluation, design, financing, acquisition, construction, operation, maintenance, repair, expansion, or extension and the county in the other state is adjacent to a county that is part of the authority studying, evaluating, designing, financing, acquiring, constructing, operating, maintaining, repairing, expanding, or extending the transportation project and the governor approves the proposed study, evaluation, design, financing, acquisition, construction, operation, maintenance, repair, expansion, or extension, rather than authorizing an authority to acquire, construct, operate, maintain, expand, or extend a transportation project only in a county in this state that is not a part of the authority if the transportation project in that county is a continuation of a transportation project of the authority extending from a county adjacent to that county; the county is given an opportunity to become part of the authority on terms and conditions acceptable to the authority and that county; and the commissioners court of the county agrees to the proposed acquisition, construction, operation, maintenance, expansion, or extension of the transportation project in that county.

SECTION 4. Amends Section 370.181(b), Transportation Code, as follows:

(b) Authorizes an authority to enter into an agreement with one or more persons to provide, on terms and conditions approved by the authority, personnel and services to design, construct, operate, maintain, expand, enlarge, or extend a transportation project owned or operated by the authority. Makes nonsubstantive changes.

SECTION 5. Amends Subchapter E, Chapter 370, Transportation Code, by adding Section 370.1911, as follows:

Sec. 370.1911. COMMERCIAL TRANSPORTATION PROCESSING SYSTEMS AT INSPECTION FACILITIES AT INTERSTATE BORDERS. (a) Authorizes an authority, notwithstanding Section 370.191 (Commercial Transportation Processing Systems), to construct a border inspection facility to be used solely for the purpose of conducting commercial motor vehicle inspections by the Department of Public Safety of the State of Texas, provided that the facility is located:

(1) at or near a border crossing from another state of the United States; and

(2) not more than 50 miles from an international border.

(b) Authorizes the facility, to the extent an authority constructing a border inspection facility under this section considers appropriate to expedite commerce, to include implementation of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology.

SECTION 6. Effective date: upon passage or September 1, 2013.