

## **BILL ANALYSIS**

C.S.S.B. 1489  
By: Watson  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Regional mobility authorities are locally controlled entities created by local governments, with approval of the Texas Transportation Commission, that have the authority to develop a wide variety of transportation projects. Interested parties note that these authorities often provide certain services to assist other such authorities in the state to avoid potentially lengthy and expensive processes or duplication. This practice can be cost-effective, efficient, and particularly beneficial to newly created regional mobility authorities. It has been suggested by the parties that relevant laws should be changed to provide these regional mobility authorities more flexibility in assisting other governmental entities and in other areas of the state.

C.S.S.B. 1489 clarifies the ability of regional mobility authorities to work with each other and with other local governments to implement projects and addresses other actions that these authorities are authorized to take.

### **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.S.B. 1489 amends the Transportation Code, in a provision authorizing a regional mobility authority to perform any function not specified in applicable state law to promote or develop a transportation project, to specify that such projects are those that the authority is authorized to develop or operate under that state law and to remove the conditions that the performance of such a function be requested by the Texas Transportation Commission and that the project be in the authority's area of jurisdiction.

C.S.S.B. 1489 adds to the actions that a regional mobility authority is authorized to take under an arrangement relating to a transportation project to include the acquisition, maintenance, and repair of such a project on behalf of another governmental entity and removes the specification that an authority enters into such an agreement with a governmental entity. The bill adds that an authority is only authorized to enter into such an agreement if the transportation project is located in the authority's area of jurisdiction or a county adjacent to the authority's area of jurisdiction; if the 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; or if the project is not located in those areas, TxDOT approves the acquisition, planning, construction, design, operation, repair, or maintenance of the project by the authority and such an action is not being taken on behalf of TxDOT. The bill removes a provision authorizing an authority to enter into a contract or agreement with TxDOT under which the authority will plan, develop, operate, or maintain such a project on behalf of TxDOT. The bill prohibits statutory provisions relating to regional mobility authorities from being construed to restrict the ability of an authority to enter into an agreement under the Interlocal Cooperation Act with another governmental entity located anywhere in Texas.

C.S.S.B. 1489 adds to the actions a regional mobility authority is authorized to take relating to a transportation project in a county that is part of the authority, a county in Texas that is not part of the authority, or a county in another state or the United Mexican States to include studying, evaluating, designing, financing, and repairing such a project. The bill authorizes an authority to take these actions on a transportation project in a county in Texas that is not a part of the authority if the county and authority enter into an agreement under statutory provisions authorizing an arrangement with a governmental entity or TxDOT. The bill removes other conditions imposed on such an authority.

C.S.S.B. 1489, in a provision authorizing a regional mobility 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, specifies the condition that the project be owned or operated by the authority.

C.S.S.B. 1489 authorizes a regional mobility authority 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, provided that the facility is located at or near a border crossing from another state of the United States and not more than 50 miles from an international border. The bill authorizes a border inspection facility to include implementation of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology, to the extent an authority constructing such a facility considers appropriate to expedite commerce.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 1489 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

**SENATE ENGROSSED**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subdivision (14), Section 370.003, Transportation Code, is amended to read as follows:  
(14) "Transportation project" means:  
(A) a turnpike project;  
(B) a system;  
(C) a passenger or freight rail facility, including:  
(i) tracks;  
(ii) a rail line;  
(iii) switching, signaling, or other operating equipment;  
(iv) a depot;  
(v) a locomotive;  
(vi) rolling stock;  
(vii) a maintenance facility; and  
(viii) other real and personal property associated with a rail operation;  
(D) a roadway with a functional

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(vii) a maintenance facility; and  
(viii) other real and personal property associated with a rail operation;  
(D) a roadway with a functional classification

classification greater than a local road or rural minor collector;

(D-1) a bridge;

(E) a ferry;

(F) an airport, other than an airport that on September 1, 2005, was served by one or more air carriers engaged in scheduled interstate transportation, as those terms were defined by 14 C.F.R. Section 1.1 on that date;

(G) a pedestrian or bicycle facility;

(H) an intermodal hub;

(I) an automated conveyor belt for the movement of freight;

(J) a border crossing inspection station;

(K) an air quality improvement initiative;

(L) a public utility facility;

(M) a transit system;

(M-1) a parking area, structure, or facility, or a collection device for parking fees;

(N) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact; ~~and~~

(O) improvements in a transportation reinvestment zone designated under Subchapter E, Chapter 222; and

(P) port security, transportation, or facility projects eligible for funding under Section 55.002.

SECTION 2. Section 370.033, Transportation Code, is amended.

SECTION 3. Section 370.161, Transportation Code, is amended.

SECTION 4. Subsection (b), Section 370.181, Transportation Code, is amended.

**No equivalent provision.**

greater than a local road or rural minor collector;

(D-1) a bridge;

(E) a ferry;

(F) an airport, other than an airport that on September 1, 2005, was served by one or more air carriers engaged in scheduled interstate transportation, as those terms were defined by 14 C.F.R. Section 1.1 on that date;

(G) a pedestrian or bicycle facility;

(H) an intermodal hub;

(I) an automated conveyor belt for the movement of freight;

(J) a border crossing inspection station, including:

(i) a border crossing inspection station located at or near an international border crossing; and

(ii) a border crossing inspection station located at or near a border crossing from another state of the United States and not more than 50 miles from an international border;

(K) an air quality improvement initiative;

(L) a public utility facility;

(M) a transit system;

(M-1) a parking area, structure, or facility, or a collection device for parking fees;

(N) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact; ~~and~~

(O) improvements in a transportation reinvestment zone designated under Subchapter E, Chapter 222; and

(P) port security, transportation, or facility projects eligible for funding under Section 55.002.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version except for recitation.

SECTION 5. Subchapter E, Chapter 370,

Transportation Code, is amended by adding Section 370.1911 to read as follows:

Sec. 370.1911. COMMERCIAL  
TRANSPORTATION PROCESSING  
SYSTEMS AT INSPECTION FACILITIES  
AT INTERSTATE BORDERS. (a)

Notwithstanding Section 370.191, an authority may construct a border inspection facility to be used solely for the purpose of conducting commercial motor vehicle inspections by the Department of Public Safety, 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) To the extent an authority constructing a border inspection facility under this section considers appropriate to expedite commerce, the facility may include implementation of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) technology.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 6. Same as engrossed version.