

By: Phillips

H.B. No. 2743

Substitute the following for H.B. No. 2743:

By: Martinez

C.S.H.B. No. 2743

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and jurisdiction of a regional mobility
3 authority.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 370.003(14), Transportation Code, is
6 amended to read as follows:

7 (14) "Transportation project" means:

8 (A) a turnpike project;

9 (B) a system;

10 (C) a passenger or freight rail facility,
11 including:

12 (i) tracks;

13 (ii) a rail line;

14 (iii) switching, signaling, or other
15 operating equipment;

16 (iv) a depot;

17 (v) a locomotive;

18 (vi) rolling stock;

19 (vii) a maintenance facility; and

20 (viii) other real and personal property
21 associated with a rail operation;

22 (D) a roadway with a functional classification
23 greater than a local road or rural minor collector;

24 (D-1) a bridge;

- 1 (E) a ferry;
- 2 (F) an airport, other than an airport that on
3 September 1, 2005, was served by one or more air carriers engaged in
4 scheduled interstate transportation, as those terms were defined by
5 14 C.F.R. Section 1.1 on that date;
- 6 (G) a pedestrian or bicycle facility;
- 7 (H) an intermodal hub;
- 8 (I) an automated conveyor belt for the movement
9 of freight;
- 10 (J) a border crossing inspection station;
- 11 (K) an air quality improvement initiative;
- 12 (L) a public utility facility;
- 13 (M) a transit system;
- 14 (M-1) a parking area, structure, or facility, or
15 a collection device for parking fees;
- 16 (N) if applicable, projects and programs listed
17 in the most recently approved state implementation plan for the
18 area covered by the authority, including an early action compact;
19 ~~and~~
- 20 (O) improvements in a transportation
21 reinvestment zone designated under Subchapter E, Chapter 222; and
- 22 (P) port security, transportation, or facility
23 projects eligible for funding under Section 55.002.

24 SECTION 2. Section 370.033, Transportation Code, is amended
25 by amending Subsections (c) and (f) and adding Subsections (f-1)
26 and (r) to read as follows:

27 (c) An authority may~~[, if requested by the commission,]~~

1 perform any function not specified by this chapter to promote or
2 develop a transportation project that the authority is authorized
3 to develop or operate under this chapter [~~in the authority's area of~~
4 ~~jurisdiction~~].

5 (f) An authority [~~and a governmental entity~~] may enter into
6 a contract, agreement, interlocal agreement, or other similar
7 arrangement under which the authority may acquire, plan, design,
8 construct, maintain, repair, or operate a transportation project on
9 behalf of another [~~the~~] governmental entity if:

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

13 (2) the transportation project is being acquired,
14 planned, constructed, designed, operated, repaired, or maintained
15 on behalf of the department or another toll project entity, as
16 defined by Section 372.001; or

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

21 (f-1) [An authority may enter into a contract or agreement
22 with the department under which the authority will plan, develop,
23 operate, or maintain a transportation project on behalf of the
24 department, subject to the transportation project being in the
25 authority's area of jurisdiction.] A contract or agreement under
26 Subsection (f) [this subsection] may contain terms and conditions
27 as may be approved by an authority, including payment obligations

1 of the governmental entity and the authority.

2 (r) This chapter may not be construed to restrict the
3 ability of an authority to enter into an agreement under Chapter
4 791, Government Code, with another governmental entity located
5 anywhere in this state.

6 SECTION 3. Section 370.161, Transportation Code, is amended
7 to read as follows:

8 Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER
9 COUNTIES. [~~a~~] An authority may study, evaluate, design,
10 finance, acquire, construct, operate, maintain, repair, expand, or
11 extend a transportation project [~~only~~] in:

12 (1) a county that is a part of the authority;

13 (2) a county in this state that is not a part of the
14 authority if the county and authority enter into an agreement under
15 Section 370.033(f) [~~+~~

16 [~~(A) the transportation project in that county is~~
17 ~~a continuation of a transportation project of the authority~~
18 ~~extending from a county adjacent to that county,~~

19 [~~(B) the county is given an opportunity to become~~
20 ~~part of the authority on terms and conditions acceptable to the~~
21 ~~authority and that county, and~~

22 [~~(C) the commissioners court of the county agrees~~
23 ~~to the proposed acquisition, construction, operation, maintenance,~~
24 ~~expansion, or extension of the transportation project in that~~
25 ~~county]; or~~

26 (3) a county in another state or the United Mexican
27 States if:

1 (A) each governing body of a political
2 subdivision in which the project will be located agrees to the
3 proposed study, evaluation, design, financing, acquisition,
4 construction, operation, maintenance, repair, expansion, or
5 extension;

6 (B) the project will bring significant benefits
7 to the counties in this state that are part of the authority;

8 (C) the county in the other state is adjacent to a
9 county that [~~is~~]:

10 (i) is part of the authority studying,
11 evaluating, designing, financing, acquiring, constructing,
12 operating, maintaining, repairing, expanding, or extending the
13 transportation project; and

14 (ii) has a municipality with a population
15 of 500,000 or more; and

16 (D) the governor approves the proposed study,
17 evaluation, design, financing, acquisition, construction,
18 operation, maintenance, repair, expansion, or extension.

19 SECTION 4. Section 370.181(b), Transportation Code, is
20 amended to read as follows:

21 (b) An authority may enter into an agreement with one or
22 more persons to provide, on terms and conditions approved by the
23 authority, personnel and services to design, construct, operate,
24 maintain, expand, enlarge, or extend a the transportation project
25 owned or operated by [~~of~~] the authority.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.