

BILL ANALYSIS

Senate Research Center
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S.B. 668
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides for the composition of the board of directors of a toll project entity (entity) to consist primarily of appointed members and prohibits an elected official from serving on the board. Because of this restriction, metropolitan planning organizations (MPOs), usually comprised of elected officials, have little say in the actions of these entities. MPOs cannot dictate the projects that these entities, specifically regional mobility authorities, should pursue, and have no voice in setting toll rates. The only way an MPO can block a project is to remove it from the MPO's long-range plan. Previous legislation has expanded the power of entities to take over and run transit systems with little accountability to elected officials.

As proposed, S.B. 668 requires at least one elected official to serve on the governing body of an entity. It requires an entity to obtain authorization to sustain tolls once a toll project is paid off, to refinance transportation projects (thus extending the length of time a road is tolled), and to build a project in an MPO's long-range plan. It also requires an entity to consult with elected officials on the MPO board regarding toll rates and to reimburse local jurisdictions for the money those jurisdictions contribute to a toll project.

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 Subtitle G, Title 6, Transportation Code, by adding Chapter 371, as follows:

CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN
ONE TYPE OF TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 371.001. DEFINITIONS. Defines "toll project" and "toll project entity."

[Reserves Sections 371.002-371.050 for expansion.]

SUBCHAPTER B. TOLL PROJECT ENTITY OPERATIONS

Sec. 371.051. BOARD REQUIREMENTS. Requires at least one of the members appointed to the governing body of a toll project entity (entity) to be an elected official, including but not limited to a member of the commissioners court or other locally elected body.

Sec. 371.052. FINANCIAL REPORT. (a) Requires an entity and the metropolitan planning organization (MPO) that serves an area to appoint a committee to review the financial data on planned and existing toll projects (projects) located within the MPO's planning area. Sets forth the composition of the committee and requires the chair of the MPO to chair the committee.

(b) Requires an entity, not later than March 31 of each year, to file with the commissioners court of each county in which the entity operates a project a written report on the findings of the committee established under Subsection (a). Requires representatives of the MPO board and the administrative head of the entity to appear before the commissioners court to present the report and receive questions and comments, at the invitation of the court.

(c) Authorizes the required report to be given in conjunction with other reports required under Sections 366.261 (Strategic Plans and Annual Reports) or 370.261 (Strategic Plans and Annual Reports), as applicable.

[Reserves Sections 371.053-371.100 for expansion.]

SUBCHAPTER C. ACQUISITION, CONSTRUCTION, AND OPERATION OF TRANSPORTATION PROJECTS

Sec. 371.101. ACCESS TO PUBLIC PROPERTY. (a) Provides that an entity has full easements and rights-of-way through, across, under, and over property owned by state and local governments that are necessary or convenient to construct, acquire, or efficiently operate a project.

(b) Prohibits the state from establishing rules or acquisition terms for its easements or rights-of-way that give preference to one project or entity over another.

(c) Provides that an entity's obligation under other law to compensate the state for the usage or acquisition of an easement or right-of-way on state-owned property remains unaffected by this section.

(d) Subjects the entity's usage of state-owned property to any covenants, conditions, restrictions, or limitations affecting that property.

Sec. 371.102. REIMBURSEMENT OF LOCAL MONEY. Requires an entity to reimburse a local government for money contributed by the government to a project operated by the entity unless the money was contributed under conditions set forth in this section.

Sec. 371.103. METROPOLITAN PLANNING ORGANIZATION APPROVAL REQUIRED. (a) Requires the MPO's approval before an entity may proceed with actions set forth in this subsection

(b) Prohibits an entity from conducting preliminary engineering or environmental studies for a project located in an area served by an MPO unless the MPO policy board specifically authorizes the entity to do so.

SECTION 2. Amends Section 370.251(g), Transportation Code, to delete elected officials from the list of certain persons that are ineligible to serve on the board of directors of an authority.

SECTION 3. Repealer: Section 366.251(g) (regarding the ineligibility of an elected official to serve on the board of directors of an authority), Transportation Code.

SECTION 4. Makes application of Section 371.051, Transportation Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2007.