

BILL ANALYSIS

Senate Research Center

C.S.S.B. 887
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Transportation Commission (TTC) is authorized to use payments received by the Texas Department of Transportation (TxDOT) under a comprehensive development agreement (CDA) to finance transportation or air quality projects within the same region.

C.S.S.B. 887 requires TTC to use payments, project savings, refinancing dividends, and any other revenues received by TxDOT under a CDA to finance other transportation projects or air quality projects in the region to which the payments are attributable. C.S.S.B. 887 amends the composition of the policy board of a metropolitan planning organization (MPO) to include state legislators and requires the MPO to use the services of an independent financial advisor in certain situations.

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 228.0055, Transportation Code, as follows:

Sec. 228.0055. New heading: USE OF CONTRACT PAYMENTS AND OTHER REVENUE. (a) Creates this subsection from existing text. Requires, rather than authorizes, the payments, project savings, refinancing dividends, and any other revenues received by the Texas Department of Transportation (TxDOT) under a comprehensive development agreement (CDA) to be used by TxDOT to finance the construction, maintenance, or operation of transportation projects or air quality projects in the region. Makes conforming changes.

(a-1) Requires TxDOT to allocate the distribution of funds to TxDOT districts in the region under Subsection (a) based on the percentage of toll revenue from users, from each TxDOT district, of the project that is the subject of the CDA. Requires each entity responsible for collecting tolls for a project to calculate on an annual basis the percentage of toll revenue from users of the project from each TxDOT district based on the number of recorded electronic toll collections, to assist TxDOT in determining the allocation.

(b) Prohibits the Texas Transportation Commission (TTC) from revising the formula as provided in TxDOT's unified transportation program, or its successor document, in a manner that results in a decrease of a TxDOT district's allocation because of a payment or other revenue received under Subsection (a) or from taking any other action that would reduce funding allocated to a TxDOT district because of payments or other revenue received under a CDA.

(c) Prohibits a metropolitan planning organization (MPO) from taking any action that would reduce distribution of funds or other resources to a TxDOT district because of the use of a payment or other revenue under Subsection (a).

SECTION 2. Amends Section 228.006, Transportation Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Prohibits TTC from revising the formula as provided in TxDOT's unified transportation program, or its successor document, in a manner that results in a decrease of a TxDOT district's allocation because of a payment under Subsection (a) or from taking any other action that would reduce funding allocated to a TxDOT district as a result of surplus revenues generated from a toll project located within the district.

(d) Prohibits an MPO from taking any action that would reduce distribution of funds or other resources to a TxDOT district because of the use of a payment or other revenue under Subsection (a).

SECTION 3. Amends Chapter 221, Transportation Code, by adding Section 221.004, as follows:

Sec. 221.004. METROPOLITAN PLANNING ORGANIZATION MEMBERSHIP AND FUNCTIONS. (a) Requires the policy board of an MPO in the state to include a certain number of legislators.

(b) Requires an MPO to use the services of an independent financial advisor to advise the MPO in its review and in any recommendations that the MPO makes, if the MPO is required or permitted to review bids for a CDA for a project all or part of which is in the territory of the MPO.

SECTION 4. Effective date: upon passage or September 1, 2007.