

BILL ANALYSIS

Senate Research Center
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S.B. 1489
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Transportation
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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 (CTRMA) 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 of the Transportation Code to allow for the types of assistance discussed above.

S.B. 1489 removes language that an RMA promote or develop a transportation project only within its area of jurisdiction; existing statutory language makes clear that this could only occur pursuant to an agreement with another entity if the RMA were to act outside of its boundaries. It also amends the powers of an RMA to include acquisition, maintenance, and repair with regard to transportation projects on behalf of other governmental entities. This is not an expansion of RMA powers as it merely seeks to mirror the powers an RMA currently has with respect to its own projects.

The bill also clarifies that an RMA may enter into an agreement for certain services related to the operation of a transportation project, whether that transportation project is owned or operated by the RMA or by another entity.

As proposed, 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 Sections 370.033(c) and (f), Transportation Code, 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, 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 and a governmental entity 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 the governmental entity, regardless of whether the project is located

in the authority's area of jurisdiction. Authorizes an authority to enter into a contract or agreement with the Texas Department of Transportation under which the authority will acquire, plan, construct, develop, operate, repair, or maintain a transportation project on behalf of TDT, rather than authorizing an authority to enter into a contract or agreement with TDT under which the authority will plan, develop, operate, or maintain a transportation project on behalf of TDT, subject to the transportation project being in the authority's area of jurisdiction.

SECTION 2. 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 3. 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 4. Effective date: upon passage or September 1, 2013.