

BILL ANALYSIS

Senate Research Center
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S.B. 812
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several toll roads have been funded in part, if not entirely, through the use of state funds. For example, the Texas Transportation Commission (TTC) awarded Camino Real Regional Mobility Authority \$500 million in Texas Mobility Funds to pay for the Border Highway West toll project. Following construction, the state paid the \$130 million balance of the \$630 million project with gasoline tax revenues.

When the legislature created the Texas Mobility Fund, S.J.R. 16, 77th Legislature, Regular Session, 2001, removed constitutional prohibitions against state funding of toll projects. Under current law, the Texas Department of Transportation can take on outstanding bonded indebtedness if the TTC agrees to assume the outstanding bonded indebtedness. Essentially, the state agrees to pay for a private toll road, but does not receive any financial benefits in return. The state uses taxpayer money to fund these toll roads, but the taxpayers do not receive any value in return.

S.B. 812 requires a toll entity to repay the state any money contributed by the state for a toll project.

As proposed, S.B. 812 amends current law relating to repayment of money contributed by the Texas Department of Transportation or the Texas Transportation Commission for toll projects.

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 222.103(a), Transportation Code, as follows:

(a) Requires the Texas Transportation Commission (TTC) to require the repayment of any money spent by the Texas Department of Transportation (TxDOT) on the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by TTC. Deletes existing text authorizing TTC to require the repayment of any money spent by TxDOT for the cost of a toll facility of a public entity and requiring TTC to require the repayment of any money spent by TxDOT for the cost of a toll facility of a private entity.

SECTION 2. Amends Section 366.301(c), Transportation Code, as follows:

(c) Requires TTC or TxDOT, rather than authorizes TTC or TxDOT, to require that money contributed by TTC or TxDOT under this section (Department Contributions to Turnpike Projects) be repaid. Authorizes TTC or TxDOT to require the money to be repaid from tolls or other revenue of the turnpike project or system on which the money was spent.

SECTION 3. Amends Section 370.033(m), Transportation Code, as follows:

(m) Requires an authority, if the authority receives money from the general revenue fund, the Texas Mobility Fund (TMF), or the state highway fund (highway fund), to repay the money. Makes nonsubstantive changes.

SECTION 4. Amends Sections 370.301(c) and (f), Transportation Code, as follows:

(c) Requires TTC or TxDOT, rather than authorizes TTC or TxDOT, to require money contributed by TTC or TxDOT under this section (Department Contributions to Turnpike Projects) to be repaid. Authorizes TTC or TxDOT to require that the money be repaid from tolls or other revenue of the turnpike project on which the money was spent.

(f) Authorizes TTC to loan, rather than to grant or loan, TxDOT money to an authority for the acquisition of land for or the construction, maintenance, or operation of a turnpike project. Requires TTC, rather than authorizes TTC, to require the authority to repay money loaned, rather than money provided, under this section. Authorizes TTC to require the money to be repaid from toll revenue or other sources on terms established by TTC.

SECTION 5. Amends Subchapter A, Chapter 372, Transportation Code, by adding Section 372.002, as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT. Requires a toll project entity to repay to TxDOT any money contributed by TxDOT as participation in the cost of the entity's toll projects, including money from the highway fund, TMF, or other sources available to TxDOT.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2017.