

AGENDA ITEM 21**Discuss and take appropriate action on road bond program.**

Road Bond Manager Mike Weaver discussed the Karst Conservation Program, Regional Mobility Authorities, and the effect of SB 324 on highway projects if voters adopt it in November 2002. He also discussed a possible bond sale in early May 2002 for road projects. He asked for direction from the court on SH 45 right-of-way issues.

Charlie Crossfield stated that some of the necessary right-of-way for SH 45 is located in Travis County, and that the County is unable to enter into a contract for right-of-way in Travis County.

Judge Doerfler suggested that the court seek a resolution to the problem with the City of Round Rock to purchase right-of-way for SH 45.

No action was taken on this agenda item.

A copy of the Williamson County Environmental Compliance Strategy is available for inspection in the County Clerk's office during regular business hours.

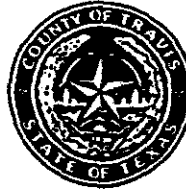
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Regional Mobility Authorities

Talking Points:

- 🚗 RMA's will operate much like current toll authorities and will build, operate and maintain newly created toll projects.
- 🚗 An RMA can receive grants or loans from TxDOT for turnpike construction, operation or maintenance. Surplus toll revenues can be used for other transportation purposes.
- 🚗 The toll equity-financing tool allows roads to be built sooner to reduce congestion on existing roadways.
- 🚗 Prior to the passage of Proposition 15, TxDOT could loan highway funds for toll projects but the Texas Constitution required that such funds be repaid. Foregoing repayment to the state for its share will make a toll project more viable because it will accelerate debt retirement and hasten the production of toll revenue.
- 🚗 Toll equity will free up more state dollars for other projects since the state's share of a toll project will be less than if the project were funded by fuel tax dollars alone.
- 🚗 In Texas, the heavily populated urban centers help fund infrastructure in the less populated rural areas.
- 🚗 With escalating traffic demand in the urban areas, more dollars from an already limited funding source will be needed.
- 🚗 If urban areas require more transportation funds, less will be available to meet the needs of the rural areas.
- 🚗 By providing various funding options, such as toll roads, it will help stretch the limited transportation funds so more highway needs could be met in both urban and rural parts of the state.

- 🚗 As an example – Let's say TxDOT is looking at a very congested stretch of roadway that desperately needs to be expanded. The cost, in round terms, is \$1 billion. TxDOT would spend \$1 billion, but stretched over 10 years at \$100 million each year, and the project would suffer corrosive effects of inflation and 10 years of construction congestion.
- 🚗 The local community, knowing the project would take 10 years, decides it would be willing to toll itself if the road could be delivered faster. The bond market says the road is "80 percent toll viable," which means that tolls could cover about 80 percent of the project's costs. The capital markets would be willing to finance the project if the remaining 20 percent could be secured.
- 🚗 TxDOT steps in with the \$200 million over a shorter period. Besides the obvious benefit of preserving \$800 million for non-toll projects, the project will be delivered faster and don't forget, toll roads pay for their own maintenance, which results in tremendous savings over the life of a major project.
- 🚗 Previously, any money provided by TxDOT for the construction of toll roads had to be repaid. Since Proposition 15 has passed, it is now up to a community to decide whether they want to go with a toll equity approach. If the community decides to form an RMA, they may not have to repay the portion the state funded for the construction of the toll road (\$200 million dollars in this case).



June 21, 2001

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The Honorable Ron Davis
Travis County Commissioner, Precinct 1
P.O. Box 1748
Austin, Texas 78767

RE: Implications of SB 342 on SH 130

Dear Commissioner Davis:

You have asked what scenarios for construction of SH 130 Travis County will face if SB 342 becomes law. As you know, SB 342 will become law only if on November 6, 2001, Texas voters adopt the constitutional amendment proposed by SJR 16.

How SB 342 Changes the Law

SB 342 changes existing law in three major ways:

1. Together with SJR 16 and SB4, it creates more flexibility to finance highway projects, including authorizing the Texas Transportation Commission (TxTC) to issue bonds and allowing TxTC to grant money for toll projects without requiring repayment.
2. It abolishes the Texas Transportation Authority's (TTA) board of directors. It is important to note that SB 342 does not abolish TTA's existing powers, functions, and authorities. Rather, it simply transfers them to TxTC.
3. It authorizes TxTC to create a new type of regional entity called a "regional mobility authority."

With these changes, there are now three different entities that could participate in the SH 130 project: TxTC, a regional mobility authority, and a regional tollway authority. Given

the magnitude of the SH 130 project, it is virtually certain that TxTC will participate in a major way. Therefore, as a practical matter, the main issue is whether TxTC will partner with a regional authority and what type of authority that will be. Discussion of the three probable scenarios follows.

TxTC Undertakes SH 130 Itself

Currently, the state (in the form of the TTA board) has almost complete control over SH 130. If SB 342 becomes law, the members of TxTC assume control of SH 130 from the members of the TTA board. Hence, the main change would simply be that a different group of people would be making the decisions. To the extent that the TTA board members were more attuned than the TxTC members to Travis County's desires for SH 130, this would be a diminution of local influence over the project. If the TTA board is abolished, TxTC may choose simply to step into the TTA board's shoes and continue SH 130 as an exclusively state project with no participation from a regional authority. Of the three scenarios, this one offers the least amount of local influence over SH 130.

TxTC Partners with a Regional Mobility Authority

Under new §361.003, TEX. TRANS. CODE ANN., TxTC will be able to create a regional mobility authority (RMA) for a specific project. If TxTC does not want to retain exclusive state control, they can form an RMA and allow it to have some control over SH 130. Two key aspects of an RMA are its membership and how it finances projects.

Membership—The commissioners courts of the counties in which the RMA's project is located appoint the members of the RMA board, except that the governor appoints the chair of the RMA board.

Financing—An RMA has no independent authority to issue bonds or otherwise finance a project. Its only authority is to receive grants or loans from TxTC and, once a toll project is generating surplus toll revenue, to decide how that revenue is spent. Even then, the RMA's decisions on spending the revenue must comply with TxTC rules.

The RMA board is dominated by locally-appointed members who would be attuned to local concerns. However, it is heavily dependent on and subject to control by TxTC. Therefore, an RMA is best described as a vehicle by which the state transfers some control over a project to a locally-dominated board, but reserves much of the control for itself.

Exactly what aspects of SH 130 an RMA would control is completely up to TxTC. Since SB 342 allows an RMA to use surplus toll revenues from one project to finance other projects, it is reasonable to infer that the Texas Legislature desires that TxTC create RMAs to keep surplus toll revenues in the region where they were generated. SB 342 also gives RMAs purchasing and contractual authority, so it can also be inferred that TxTC should allow an RMA to control the construction of its projects.

TxTC Partners with a Regional Tollway Authority

The third scenario involves a regional tollway authority (RTA) under Chapter 366, TEX. TRANS. CODE ANN. A county with a population over 300,000 and one or more adjoining counties can initiate an RTA simply by adopting commissioners court resolutions. The RTA is then created upon approval by TxTC. Again, two key aspects of this type of regional authority are its membership and how it finances projects.

Membership—The governor appoints three members of the RTA board and the commissioners court of each county appoints one member. The members choose which of them chairs the board.

Financing—RTAs have authority to issue their own revenue bonds for a toll project.

RTAs and RMAs are similar in that their boards are made up heavily of appointees of the commissioners courts of the member counties. They differ in that an RTA's ability to issue bonds makes it more independent from TxTC than an RMA. Again, given SH 130's magnitude, an RTA probably cannot finance and construct SH 130 without significant participation by TxTC. However, if TxTC is to have a regional partner, an RTA not only can perform any function an RMA could, it has greater ability to go beyond that and fill gaps that an RMA can't. For example, an RTA might be able to independently finance and construct segments of SH 130 that TxTC is either unable or unwilling to undertake in the near future.

Discussion

Ultimately, TxTC completely controls which entity or entities participate in SH 130. If TxTC wants to retain exclusive state control, they can simply refuse to allow creation of either an RTA or an RMA. If TxTC wants some, but not much, local control over SH 130, they can create an RMA themselves but refuse to consent to creation of an RTA. Finally, if TxTC is amenable to a greater degree of local control over SH 130, they can allow Travis County and an adjoining county to create an RTA, either now or in the future.

The counties affected by SH 130 have very limited legal means of influencing TxTC's decision. By creating an RTA now, Travis County and one or more adjoining counties can preempt TxTC from pursuing the RMA option later. Under §361.003(d), TEX. TRANS. CODE ANN., if a county is within an RTA as of November 6, 2001, TxTC is prohibited from creating an RMA for a project in that county.

Gaining the required TxTC approval of an RTA by that date, if at all, would be difficult. Under 43 TEX. ADMIN. CODE Chapter 27, TxTC will not approve creation of an RTA unless (1) a feasibility study is done, and (2) every municipality and metropolitan planning organization in the counties forming the RTA adopt a resolution in support. Moreover, TxTC's main criterion for approval is that the RTA not duplicate state efforts

and be able to complete the project faster than the state, which is something TxTC would be reluctant to admit. Finally, TxTC may be unwilling to approve creation of an RTA simply because the mere existence of an RTAs' independent financing authority over SH 130 might complicate TxTC's own issuance of bonds for SH 130. On the other hand, TxTC might be willing to allow an RTA to be created to finance and build only those segments of SH 130 that TxTC is unable to undertake itself in the foreseeable future.

Please let me know if you need more information. I am available at your convenience if you have any questions or would like to discuss this matter.

Sincerely,



Tom Nuckols
Assistant County Attorney

cc: Commissioners Court

**COMPARISON OF
"REGIONAL MOBILITY AUTHORITIES"
AND
"REGIONAL TOLLWAY AUTHORITIES"**

	REGIONAL MOBILITY AUTHORITIES (RMA)	REGIONAL TOLLWAY AUTHORITIES (RTA)
Creation	<p>Created by order of the Texas Transportation Commission (TxTC) "for the purposes of constructing, maintaining, and operating a turnpike project."</p> <p>TxTC cannot create an RMA in a county that was part of an RTA on November 6, 2001.</p>	<p>Created by resolution of the Commissioners Courts of:</p> <ul style="list-style-type: none"> • a county over 300,000 population; and • one or more adjoining county. <p>Creation is subject to TxTC approval, which requires:</p> <ul style="list-style-type: none"> • A feasibility study • Resolutions of support from the MPO and each municipality in the member counties • A finding by TxTC that the RTA can construct the turnpike faster than TxDOT could and will not duplicate or conflict with TxDOT efforts.

Geographic Area	<p>Each county in which the turnpike is proposed to be located is automatically included in the RMA.</p>	<p>At a minimum, the county over 300,000 and one adjoining county.</p> <p>An RTA can extend its turnpike into other counties that are not members of the RTA.</p>
Membership of Board	<p>Board consists of "representatives of political subdivisions."</p> <p>Governor appoints one member, who chairs the board.</p> <p>Commissioners Court of each member county where turnpike is <u>proposed</u> appoints one member.</p> <p>In addition, each county containing an <u>operating</u> turnpike appoints additional members as follows:</p> <ul style="list-style-type: none">• If only one county, county appoints two additional members.• If two counties, each appoints one additional member.• If three or more counties, each appoints two additional members.	<p>Governor appoints three members.</p> <p>Commissioners Court of each member county appoints one member.</p> <p>Board members choose the chair from amongst themselves.</p>

Functions & Powers	<p>May purchase and contract.</p> <p>Subject to TxTC rules, may spend surplus toll revenue on other "transportation projects," including toll or toll-free projects of cities, counties, and other governmental entities.</p> <p>With TxTC approval, may convert part of the free state highway system into a turnpike.</p> <p>May accept grants or loans from TxTC.</p>	<p>May purchase and contract.</p> <p>Without state supervision, may spend surplus toll revenue on other turnpikes.</p> <p>With TxTC and the Governor's approval, may convert part of the free state highway system into a turnpike.</p> <p>May accept grants or loans from TxTC.</p> <p>May issue revenue bonds.</p> <p>May condemn land.</p>
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AN ACT

relating to the participation of the Texas Department of Transportation in the acquisition, construction, maintenance, and operation of toll facilities.

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

SECTION 1. Section 222.103, Transportation Code, is amended to read as follows:

Sec. 222.103. COST PARTICIPATION. (a) The department may participate, by spending money from any available source, in 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 the commission. The commission:

(1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity; and

(2) shall require the repayment of any money spent by the department for the cost of a toll facility of a private entity, ~~including requirements for repayment~~.

(b) Money repaid as required by the commission shall be deposited to the credit of the fund from which the expenditure was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(c) A bond or other debt obligation issued by a public or private entity to finance the cost of a toll facility in which the department participates is an obligation of the issuing entity and is not an obligation of this state.

(d) ~~[An entity receiving cost participation from the department under this section is a successor agency to the Texas Turnpike Authority for the purposes of Section 52 b, Article III, Texas Constitution.]~~

~~[(4)]~~ On the request of a member of the legislature, the department shall provide the member a status report on all highway construction projects, by legislative district, that are under contract or awaiting funding. The report shall include projects that would be funded in any manner by state, federal, or toll funds.

(e) ~~[(4)]~~ On the request of a member of the legislature, not later than the 90th day before the date a loan is granted or an expenditure is made by the department for a project under this section, the department shall notify each member of the legislature that represents any part of the area affected by the project of the status of the project and how any other project in any other district would be affected.

(f) This section applies to any participation by the department in the cost of a project under Chapter 284, 361, or 366.

(g) The commission shall adopt rules to implement Subsection (a).

(h) Money granted by the department each federal fiscal year under this section may not exceed 30 percent of the obligation authority under the federal-aid highway program that is distributed to this state in that year.

(i) Any project that uses money that is granted or loaned from constitutionally dedicated funds for the construction or maintenance of a project must be let by a competitive bidding procedure in which the contract is awarded to the lowest responsible bidder.

(j) Notwithstanding Subsection (i), the Texas Turnpike Authority division of the department, or a successor agency, may enter into exclusive development agreements on four projects before March 1, 2004. This subsection expires March 1, 2004.

SECTION 2. Subchapter A, Chapter 361, Transportation Code, is amended by adding Sections 361.003 and 361.005 to read as follows:

Sec. 361.003. REGIONAL MOBILITY AUTHORITY. (a) The commission by order may authorize the creation of a regional mobility authority for the purposes of constructing, maintaining, and operating a turnpike project in a region of this state.

(b) The governing body of a regional mobility authority is a

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3-18 board of directors consisting of representatives of political
3-19 subdivisions in each county in which a turnpike project is proposed
3-20 to be located. The commissioners court of each county of the
3-21 authority shall appoint two directors to the board. The governor
3-22 shall appoint one director to the board who shall serve as the
3-23 presiding officer of the board.
3-24 (c) The commissioners court of each county of the authority
3-25 that contains an operating turnpike project shall appoint
3-26 additional directors, as follows:
4-1 (1) if only one county of the authority contains an
4-2 operating turnpike project, the commissioners court of that county
4-3 shall appoint two additional directors;
4-4 (2) if two counties of the authority contain an
4-5 operating turnpike project, the commissioners court of each county
4-6 shall each appoint one additional director; and
4-7 (3) if more than two counties of the authority contain
4-8 an operating turnpike project, the commissioners court of each
4-9 county shall each appoint two additional directors.
4-10 (d) A regional mobility authority may not construct,
4-11 maintain, or operate a turnpike project in a county that, on
4-12 November 6, 2001:
4-13 (1) was part of a regional tollway authority; or
4-14 (2) operated a project under Chapter 284.
4-15 (e) A regional mobility authority:
4-16 (1) is a political subdivision of this state for
4-17 purposes of Chapter 101, Civil Practice and Remedies Code;
4-18 (2) is subject to Chapter 552, Government Code;
4-19 (3) is a state governmental body for purposes of
4-20 Chapter 551, Government Code;
4-21 (4) has the powers and duties of a county under
4-22 Subchapter C, Chapter 262, Local Government Code, other than
4-23 Section 262.029 of that subchapter and excepting contracts subject
4-24 to Section 361.231; and
4-25 (5) is a local government for purposes of Subchapters
4-26 D and F, Chapter 271, Local Government Code.
5-1 (f) The commission may grant or loan funds for the
5-2 construction, maintenance, or operation of a turnpike project under
5-3 this section in accordance with the provisions of this chapter or
5-4 other law.
5-5 (g) Each year, if a regional mobility authority determines
5-6 that it has surplus revenue from turnpike projects, it shall reduce
5-7 tolls, spend the surplus revenue on other transportation projects
5-8 in the region in accordance with Subsection (h), or deposit the
5-9 surplus revenue to the credit of the Texas Mobility Fund.
5-10 (h) Consistent with other law and commission rule, and in
5-11 accordance with Subsection (g), a regional mobility authority may
5-12 spend surplus revenue on other transportation projects by:
5-13 (1) assisting in the financing of a toll or toll-free
5-14 transportation project of a governmental entity; or
5-15 (2) with the approval of the commission, constructing
5-16 a toll or toll-free transportation project and, on completion of
5-17 the project, transferring the project to a governmental entity if:
5-18 (A) the governmental entity authorizes the
5-19 regional mobility authority to construct the project and agrees to
5-20 assume all liability and responsibility for the maintenance and
5-21 operation of the project upon its transfer; and
5-22 (B) the project is constructed in compliance
5-23 with all laws applicable to the governmental entity.
5-24 (i) The commission by order may convert a segment of the
5-25 free state highway system to a turnpike project and transfer that
5-26 segment to a regional mobility authority if:
6-1 (1) the commission determines that the proposed
6-2 transfer is an integral part of the region's overall plan to
6-3 improve mobility in the region; and
6-4 (2) the regional mobility authority agrees to assume
6-5 all liability and responsibility for the maintenance and operation
6-6 of the turnpike project on its transfer.
6-7 (j) To the extent of a conflict between this section and
6-8 Section 361.189, this section prevails.
6-9 (k) In this section:

6-10 (1) "Governmental entity" includes a municipality,
6-11 county, the department, or other public entity authorized to
6-12 construct, maintain, and operate a transportation project within
6-13 the region of a regional mobility authority.

6-14 (2) "Surplus revenue" means toll revenue that exceeds
6-15 the regional mobility authority's debt service requirements,
6-16 coverage requirements of any bond indenture, costs of operation and
6-17 maintenance, cost of repair, expansion or improvement of a turnpike
6-18 project, and reserves and reserve funds maintained by the regional
6-19 mobility authority.

6-20 (3) "Transportation project" includes a project or
6-21 type of project described by commission rule.

6-22 (1) The commission shall adopt rules to implement this
6-23 section.

6-24 Sec. 361.005. TRANSFER OF BOARD'S POWERS AND DUTIES.

6-25 (a) The powers and duties of the board under this chapter or other
6-26 law are transferred to the commission.

7-1 (b) A reference in law to the board is a reference to the
7-2 commission.

7-3 SECTION 3. Subsection (b), Section 361.184, Transportation
7-4 Code, is amended to read as follows:

7-5 (b) The board may transfer, or direct the authority to
7-6 transfer, into the project revolving fund money from any
7-7 permissible source, including:

7-8 (1) money from a surplus fund established for a
7-9 turnpike project if the remainder of the surplus fund is not less
7-10 than any minimum amount required by the trust agreement to be
7-11 retained for that project;

7-12 (2) money received under Subchapter I or from a
7-13 transfer of a turnpike project under Subchapter H;

7-14 (3) money received ~~[advances]~~ from the state highway
7-15 fund ~~[if the advances are repaid as required by Section 52-b,~~
7-16 ~~Article III, Texas Constitution]; and~~

7-17 (4) contributions or assistance from the United
7-18 States, another state, a political subdivision of this state, the
7-19 United Mexican States, or a political subdivision of the United
7-20 Mexican States.

7-21 SECTION 4. Section 361.191, Transportation Code, is amended
7-22 to read as follows:

7-23 Sec. 361.191. EXPENDITURE OF MONEY AUTHORIZED BY DEPARTMENT
7-24 OF TRANSPORTATION. (a) The Texas Department of Transportation may
7-25 provide for the expenditure of money for the cost of the
7-26 acquisition, construction, maintenance, or operation of a turnpike
8-1 project by the authority. The department may require the authority
8-2 to repay money provided under this section from toll revenue or
8-3 other sources on terms established by the commission.

8-4 (b) Money repaid as required by the department shall be
8-5 deposited to the credit of the fund from which the money was
8-6 provided. Money deposited as required by this section is exempt
8-7 from the application of Section 403.095, Government Code. ~~[If money~~
8-8 ~~from the state highway fund is spent under this section, the fund~~
8-9 ~~shall be repaid from tolls or other turnpike revenue.]~~

8-10 SECTION 5. Subsection (b), Section 366.174, Transportation
8-11 Code, is amended to read as follows:

8-12 (b) An authority may transfer into its revolving fund money
8-13 from any permissible source, including:

8-14 (1) money from a turnpike project if the transfer does
8-15 not diminish the money available for the project or the system, if
8-16 any, of which it is a part to less than an amount required to be
8-17 retained by the bond proceedings pertaining to the project or
8-18 system;

8-19 (2) money received by the authority from any source
8-20 and not otherwise committed, including money from the transfer of a
8-21 turnpike project or system or sale of authority assets;

8-22 (3) money received from the state highway fund
8-23 ~~[advances authorized under Section 52-b, Article III, Texas~~
8-24 ~~Constitution]; and~~

8-25 (4) contributions, loans, grants, or assistance from
8-26 the United States, another state, a political subdivision of this
9-1 state, a foreign governmental entity, including the United Mexican

9-2 States or a state of the United Mexican States, a local
 9-3 governmental entity, any private enterprise, or any person.

9-4 SECTION 6. Subsection (c), Section 366.301, Transportation
 9-5 Code, is amended to read as follows:

9-6 (c) An obligation or expense incurred by the commission or
 9-7 department under this section is a part of the cost of the turnpike
 9-8 project for which the obligation or expense was incurred. The
 9-9 commission or department may require money contributed by the
 9-10 commission or department ~~[Money from the state highway fund spent]~~
 9-11 under this section to ~~[must]~~ be repaid from tolls or other revenue
 9-12 of the turnpike project or system on which the money ~~[from the~~
 9-13 ~~state highway fund]~~ was spent ~~[expended]~~. Money repaid as required
 9-14 by the commission or department shall be deposited to the credit of
 9-15 the fund from which the contribution was made. Money deposited as
 9-16 required by this section is exempt from the application of Section
 9-17 403.095, Government Code.

9-18 SECTION 7. The following sections of the Transportation Code
 9-19 are repealed:

- 9-20 (1) Subsections (b) through (e), Section 361.031;
- 9-21 (2) Subsection (g), Section 361.031;
- 9-22 (3) Sections 361.032 through 361.037; and
- 9-23 (4) Sections 362.004 and 362.005.

9-24 SECTION 8. (a) Section 222.103, Transportation Code, as
 9-25 amended by this Act, applies only to cost participation by the
 9-26 Texas Department of Transportation in the acquisition,
 10-1 construction, maintenance, or operation of a toll facility that
 10-2 occurs on or after the effective date of this Act. Cost
 10-3 participation by the Texas Department of Transportation in the
 10-4 acquisition, construction, maintenance, or operation of a toll
 10-5 facility under Section 222.103, Transportation Code, that occurred
 10-6 before the effective date of this Act is governed by Section
 10-7 222.103 of that code, including any requirement of repayment, as it
 10-8 existed immediately before the effective date of this Act, and the
 10-9 former law is continued in effect for that purpose.

10-10 (b) Subsection (b), Section 361.184, Transportation Code, as
 10-11 amended by this Act, applies only to a transfer of money from the
 10-12 state highway fund by or at the direction of the board of directors
 10-13 of the Texas Turnpike Authority division of the Texas Department of
 10-14 Transportation under Section 361.184, Transportation Code, that
 10-15 occurs on or after the effective date of this Act. A transfer of
 10-16 money from the state highway fund under Section 361.184,
 10-17 Transportation Code, that occurred before the effective date of
 10-18 this Act is governed by Section 361.184 of that code, including any
 10-19 requirement of repayment, as it existed immediately before the
 10-20 effective date of this Act, and the former law is continued in
 10-21 effect for that purpose.

10-22 (c) Section 361.191, Transportation Code, as amended by this
 10-23 Act, applies only to an expenditure of money for the acquisition,
 10-24 construction, maintenance, or operation of a turnpike project that
 10-25 is provided by the Texas Department of Transportation under that
 10-26 section on or after the effective date of this Act. An expenditure
 11-1 of money by the Texas Department of Transportation under Section
 11-2 361.191, Transportation Code, that was provided before the
 11-3 effective date of this Act is governed by Section 361.191 of that
 11-4 code, including any requirement of repayment, as it existed
 11-5 immediately before the effective date of this Act, and the former
 11-6 law is continued in effect for that purpose.

11-7 (d) Subsection (b), Section 366.174, Transportation Code, as
 11-8 amended by this Act, applies only to the transfer of money received
 11-9 from the state highway fund by a regional tollway authority to the
 11-10 authority's revolving fund under Section 366.174 of that code on or
 11-11 after the effective date of this Act. A transfer of money to the
 11-12 revolving fund of the authority under Section 366.174,
 11-13 Transportation Code, that occurred before the effective date of
 11-14 this Act is governed by Section 366.174 of that code, including any
 11-15 requirement of repayment, as it existed immediately before the
 11-16 effective date of this Act, and the former law is continued in
 11-17 effect for that purpose.

11-18 (e) Subsection (c), Section 366.301, Transportation Code, as
 11-19 amended by this Act, applies only to an obligation or expense

11-20 incurred by the Texas Transportation Commission or the Texas
 11-21 Department of Transportation under Section 366.301 of that code on
 11-22 or after the effective date of this Act. An obligation or expense
 11-23 incurred by the Texas Transportation Commission or the Texas
 11-24 Department of Transportation under Section 366.301, Transportation
 11-25 Code, imposed before the effective date of this Act is governed by
 11-26 Section 366.301 of that code, including any requirement of
 12-1 repayment, as it existed immediately before the effective date of
 12-2 this Act, and the former law is continued in effect for that
 12-3 purpose.

12-4 SECTION 9. (a) This Act takes effect:
 12-5 (1) on the date on which the constitutional amendment
 12-6 proposed by S.J.R. No. 16, 77th Legislature, Regular Session, 2001,
 12-7 takes effect; and
 12-8 (2) only if S.B. No. 4, 77th Legislature, Regular
 12-9 Session, 2001, is enacted and becomes law.

12-10 (b) If the constitutional amendment proposed by S.J.R. No.
 12-11 16 is not approved by the voters, or if S.B. No. 4 does not become
 12-12 law, this Act has no effect.

12-13 SECTION 10. (a) On the effective date of this Act, the
 12-14 board of directors of the Texas Turnpike **Authority** division of the
 12-15 Texas Department of Transportation is abolished. On that date, all
 12-16 powers, duties, obligations, rights, contracts, leases, records,
 12-17 employees, and real or personal property of the board are
 12-18 transferred to the Texas Transportation Commission. Unspent and
 12-19 unobligated appropriations and other funds under the control of the
 12-20 board shall be transferred to the Texas Transportation Commission.
 12-21 Before that date, the board with the agreement of the commission
 12-22 may transfer any records, employees, or real or personal property
 12-23 of the board to the commission in preparation for the transfer
 12-24 provided for in this section.

12-25 (b) The abolishment of the board of directors of the Texas
 12-26 Turnpike **Authority** division of the Texas Department of
 13-1 Transportation does not affect the validity of a right, privilege,
 13-2 or obligation accrued, a contract or acquisition made, any
 13-3 liability incurred, a permit or license issued, a penalty,
 13-4 forfeiture, or punishment assessed, a rule adopted, a proceeding,
 13-5 investigation, or remedy begun, a decision made, or other action
 13-6 taken by or in connection with the board.

13-7 (c) All rules, policies, procedures, and decisions of the
 13-8 board of directors of the Texas Turnpike **Authority** division of the
 13-9 Texas Department of Transportation are continued in effect as
 13-10 rules, policies, procedures, and decisions of the Texas
 13-11 Transportation Commission until superseded by a rule or other
 13-12 appropriate action of the commission.

13-13 (d) Any action or proceeding before the board of directors
 13-14 of the Texas Turnpike **Authority** division of the Texas Department of
 13-15 Transportation is transferred without change in status to the Texas
 13-16 Transportation Commission, and the commission assumes, without a
 13-17 change in status, the position of the board in any action or
 13-18 proceeding to which the board is a party.

13-19 (e) If S.B. No. 4, 77th Legislature, Regular Session, 2001,
 13-20 is enacted and becomes law, all unspent and unobligated
 13-21 appropriations and other funds transferred to the Texas
 13-22 Transportation Commission under Subsection (a) of this section
 13-23 shall be transferred to the Texas **Mobility** Fund on the effective
 13-24 date of S.B. No. 4.

S.B. No. 342

President of the Senate

I hereby certify that S.B. No. 342 passed the Senate on
 March 1, 2001, by a viva-voce vote; May 21, 2001, Senate refused to
 concur in House amendments and requested appointment of Conference
 Committee; May 22, 2001, House granted request of the Senate;
 May 27, 2001, Senate adopted Conference Committee Report by a
 viva-voce vote.

Speaker of the House_____
Secretary of the Senate

I hereby certify that S.B. No. 342 passed the House, with
 amendments, on May 18, 2001, by a non-record vote; May 22, 2001,

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House granted request of the Senate for appointment of Conference Committee; May 27, 2001, House adopted Conference Committee Report by a non-record vote.

Approved:

Date

Governor

Chief Clerk of the House

AGENDA ITEM 22

Hold public hearing regarding the County's submission of an application to Texas Parks and Wildlife for the proposed Berry Springs County Park and Preserve and the impact of the flood plain on the proposed improvement.

Judge Doerfler announced the public hearing open at 10:05 a.m. on Tuesday, January 29, 2002.

Margaret Hardin, a grant writer with Langford Community Management Services, addressed the court concerning the submission of the grant application. She stated that Texas Parks and Wildlife requires a public hearing on proposed projects that are funded by state grants.

No one from the public addressed the court concerning the project.

Judge Doerfler announced the public hearing closed at 10:08 a.m. on Tuesday, January 29, 2002.

AGENDA ITEM 23

Consider approving resolution to authorize grant application to Texas Parks & Wildlife for development of Berry Springs County Park and Preserve.

Moved: **Commissioner Hays**

Seconded: **Commissioner Heiligenstein**

Motion: To approve a resolution to authorize grant application to Texas Parks & Wildlife for development of Berry Springs County Park and Preserve.

Vote: **5 - 0**

< Attachment >