

**MINUTES**

**of the**

**WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING**

**April 8, 2003**

THE STATE OF TEXAS     )(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:34 a.m. on April 8, 2003, a REGULAR SESSION of the Commissioners' Court of Williamson County, Texas, was held with the following being present, to-wit:

JOHN C. DOERFLER, County Judge  
MICHAEL L. HEILIGENSTEIN, Commissioner, Precinct 1  
GREGORY W. BOATRIGHT, Commissioner, Precinct 2  
DAVID HAYS, Commissioner, Precinct 3  
FRANKIE LIMMER, Commissioner, Precinct 4  
EUGENE D. TAYLOR, County Attorney  
NANCY E. RISTER, County Clerk

**AGENDA ITEM 1**

Hear any interested person and consider forming the next agenda or adding items to today's agenda.

Mike Robinson handed out a CTRMA Quarterly Progress Report and spoke about the proposed legislation that will affect regional mobility authorities.

< Attachment >

# Central Texas Regional Mobility Authority

100 Congress Ave., Suite 300  
Austin, Texas 78701

## MEMORANDUM

**TO:** Travis County Commissioners Court  
Williamson County Commissioners Court

**FROM:** CTRMA Board of Directors

**DATE:** April 3, 2003

**RE:** CTRMA Quarterly Progress Report  
Overview of HB 2459/HJR 80; HB 2311; HB 2312; HB 156; and HB 157

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Set forth below is an overview of each of the above-referenced items of legislation related to regional mobility authorities. Following the legislative summary is a status report of CTRMA activities since January 1, 2003.

### **HB 2459/HJR 80**

#### **Overview**

HB 2459 is the major piece of RMA legislation filed this session. It creates a new chapter in the Transportation Code specific to the formation, operation and governance of RMAs. Currently RMAs are only briefly covered in provisions of Chapter 361 of the Transportation Code (which deals primarily with the Texas Turnpike Authority), and much of the detail is left to rules adopted by TxDOT. HB 2459 also significantly expands the scope of projects which an RMA may develop and operate. Currently RMAs can only build toll roads; this bill would give RMAs authority to develop toll roads, passenger and/or freight rail facilities, certain free roads, airports, border crossing inspection stations, public utility infrastructure, and mass transit facilities. The bill also permits RMAs to develop projects outside of their geographic boundaries if requested to do so by other governmental bodies, and adds considerable flexibility and detail to available financing tools.

HJR 80 is a proposed constitutional amendment addressing RMAs. It clarifies that counties within an RMA may, *with voter approval*, issue debt or otherwise support the credit of the RMA, even if a particular RMA project is not in the county which is issuing the debt. This would allow, for example, Williamson County, with approval of the voters, to authorize a bond issuance to back bonds issued by the CTRMA even if the project to which the RMA bonds relate was located entirely within Travis County. As was demonstrated by Harris County when this was

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utilized for the Harris County Toll Authority, this will help an RMAs bond rating even if the county is never actually called upon to issue the bonds.

**HB 2311****Overview**

This very simple bill grants RMAs the ability to use exclusive development agreements for RMA projects. While this is also included in the "big" RMA bill (HB 2459), Chairman Krusee filed a separate bill in case the big bill runs into opposition. This strategy is much like that being used for condemnation (HB 156) and bonding authority (HB 157) - those are included in separate bills and in the big bill. EDAs are a contracting methodology which allows the "owner" to procure a combination of project development services (such as design, engineering, financial and construction services), including turnkey delivery of a project. It may also allow for private entities to have equity participation in a project. Although EDAs are closely related to design/build contracting, it has certain variations. The benefits of EDAs are faster project delivery, and a fixed price for a project (which the bond market likes). SH 130 was procured through an EDA, the first (and only one) used in the state for a highway project. Some highway contractors oppose using EDAs, as do some of the design engineers. The ostensible reason is that the procurement process is not specifically defined and invites too much subjectivity into the process. The engineers also think that it cuts smaller firms out of the business.

**HB 2312****Overview**

HB 2312 is a funding mechanism for RMAs. It provides for a local option sales tax on gasoline and/or on transportation related items, like tires and repair parts. An RMA may identify projects it will pursue, and then call for an election for approval of the tax. The gas tax may be imposed in increments of 1/8<sup>th</sup> of 1%, not to exceed 1%, and 25% of what is collected must be remitted to the comptroller for the permanent education fund (this is constitutionally required of any gas tax). The 25% allocation does not apply to the tax on transportation related items. There are a number of other urban areas now interested in this bill, which means it will probably not be an "RMA bill."

**HB 156****Overview**

HB 156 is a technical correction bill restoring the powers of eminent domain to RMAs. HB 156 has passed the House and has been referred to the Senate.

**HB 157****Overview**

HB 157 is a technical correction bill allowing RMAs bonding authority. The bill also clarifies that RMAs have the authority to collect tolls and can pledge those revenues. HB 157 has passed the House and has been referred to the Senate.

## CTRMA PROGRESS REPORT

- ★ Adopted By-laws, elected officers and established an Executive Committee, Finance Committee, and Planning Committee;
- ★ Adopted Procurement Guidelines;
- ★ The Planning Committee is developing Environmental Process Guidelines;
- ★ Adopted resolution reaffirming for TxDOT the CTRMA's commitment to pursue the development of the Travis and Williamson County projects included in the petition to create the CTRMA;
- ★ Issued Request for Qualifications for Financial Advisor Services;
- ★ Issued Request for Qualifications for Accounting Services;
- ★ Received an unsolicited proposal from PB Consult for the Public-Private Development of US 183-A;
- ★ Submitted a State Infrastructure Bank loan and Toll Equity Application for US 183-A development dollars and funding for initial analysis of SH 45 SE and other candidate toll roads;
- ★ Heard a presentation from PB Consult on their unsolicited proposal and passed a resolution authorizing to publicize a notice of receipt of the proposal and inviting submissions of competing proposals;
- ★ Conducted two Board workshops – one with investment banking firms and one with representatives from NTTA and TTA and their respective General Engineering Consultants;
- ★ Adopted a resolution supporting Congressman Carter's TEA-21 reauthorization \$20.0 million funding request for US 183-A. Prepared and provided Congressman Carter the Transportation Project Evaluation criteria for submission by the Congressman;
- ★ Adopted a resolution requesting that Congressman Doggett submit a TEA-21 reauthorization \$10.0 million funding request for SH 45 Southeast;
- ★ Prepared and provided Congressman Doggett the Transportation Project Evaluation Criteria for submission by the Congressman;
- ★ Adopted Interlocal Agreement with Williamson County to transfer remaining balance of the County's original \$250,000 CTRMA commitment to the CTRMA;
- ★ Opened bank account with \$147,800 transferred from Williamson County;

- ★ Adopted Interlocal Agreement with Williamson County to transfer professional services contract with Prime Strategies, Inc. and Locke, Liddell & Sapp;
- ★ Submitted revised Toll Equity Application for \$13.7 million dollars. Texas Transportation Commission approved, on first reading, \$12.7 million for US 183-A development cost.
- ★ Preliminary meetings with Capital Metro staff and Board members regarding Representative Krusee's request that the CTRMA and Capital Metro explore opportunities to jointly develop express toll lanes, freight rail, and passenger rail.

P:\Prime Strategies Data\Projects\RMA-0210\Leg Bills memo.doc

## **BENEFITS of the Central Texas Regional Mobility Authority**

The State of Texas, through the Texas Transportation Commission, has deemed Regional Mobility Authorities (RMAs) a method for building major state and local roadway projects in the future due to the sharp decrease in traditional sources of available funds to build roadways in the State and the great number of projects that must be built immediately.

*Over 68% of the voters in the November 2001 Constitutional election voted to add RMAs to the existing list of funding options for state and local road construction.*

The Texas Transportation Commission authorized the creation of the **Central Texas Regional Mobility Authority (CTRMA)** on October 31, 2002. The CTRMA will be able to focus local dollars to leverage revenue bonds for major projects and build them more quickly. This creates opportunities for increased local control and timing of development of transportation projects.

- The CTRMA is statutorily authorized to develop toll projects, which typically can be built much more quickly than traditional highway projects.
- The CTRMA's proposed use of local toll roads means that the actual users of the road will pay for the cost of the road, resulting in a less costly, more equitable transportation system.
- The CTRMA can leverage state investment (in the form of *toll equity*) through the use of revenue bonds to fund additional projects.
- The CTRMA has the ability to use surplus revenues from local toll roads to fund other toll and non-toll roadway projects in the counties that comprise the RMA.
- The CTRMA can receive grants from the State of Texas to participate in projects. This money does not have to be repaid (as was the case for toll roads prior to the creations of RMAs).
- The CTRMA can help ensure that economic development will be greatly enhanced and focused along preferred growth corridors.
- The CTRMA can provide the economic engine to support all modes (rail, truck lanes, express toll lanes, etc.) of future transportation projects.
- The CTRMA can finance and build the roadways Travis & Williamson Counties consider to be important transportation projects without massive up-front dollars that only a few counties can afford. Most projects TxDOT is currently developing have a heavy local match—in some cases upwards of 60% funding—just to be considered by the State.
- The Houston and Dallas toll authorities are serving as models for the CTRMA. They provide meaningful transportation solutions for their areas that are based on local control and are not dependent on the State of Texas for funding, timing or execution. Both cities have used tolled facilities to create financially successful, efficient systems.
- The CTRMA can provide the region the ability to increase transportation funding without raising taxes.
- The CTRMA allows the region to construct larger projects in order to improve an entire corridor, as opposed to building smaller "pay-as-you-go" projects, avoiding continuous construction.

**AGENDA ITEM 2**

Read and approve the minutes of the last meeting.

Moved: **Commissioner Heiligenstein**

Seconded: **Commissioner Boatright**

Motion: To approve the minutes of the April 1, 2003 meeting.

Vote: **5 - 0**

**AGENDA ITEM 3**

Hear County Auditor concerning invoices and bills submitted for payment and take appropriate action including, but not limited to approval for payment provided said items are found by the County Auditor to be legal obligations of the county.

Moved: **Commissioner Limmer**

Seconded: **Judge Doerfler**

Motion: To authorize the payment of bills totaling **\$1,925,586.73** in computer printout from the proper line items, if found by the County Auditor to be legal expenses as appropriated in the 2002/2003 County Budget.

Vote: **5 - 0**

< Attachment >