



**CENTRAL TEXAS
Regional Mobility Authority**

November 30, 2016
AGENDA ITEM #8

Approve a legislative program for issues and proposals affecting the Mobility Authority in the 85th Texas Legislature

Strategic Plan Relevance: Economic Vitality; Sustainability; Innovation

Department: Law

Contact: Geoffrey Petrov, General Counsel

Associated Costs: N/A

Funding Source: N/A

Board Action Required: Briefing and board discussion only

Summary:

The 85th Legislature will convene January 10, 2016, and will consider legislative proposals and issues that affect the Mobility Authority.

In previous legislative sessions, the Mobility Authority has worked with other regional mobility authorities and tolling entities to address issues of common concern to tolling entities. The proposed legislative program attached as an exhibit to the draft resolution includes common issues anticipated in the upcoming session as well as items of specific concern to the Mobility Authority.

Backup Provided: Draft Resolution

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 16-0XX

**APPROVING A LEGISLATIVE PROGRAM FOR ISSUES AND PROPOSALS
AFFECTING THE MOBILITY AUTHORITY IN THE 85th TEXAS LEGISLATURE.**

WHEREAS, the Texas Legislature is scheduled to convene at noon, Tuesday, January 10, 2017, and to adjourn on Monday, May 29, 2017, in the 85th Regular Legislative Session; and

WHEREAS, action on legislation considered by the 85th Legislature can affect the powers, duties, and ability of the Mobility Authority to fulfill its statutory mission as a regional mobility authority existing and operating under Chapter 370 of the Texas Transportation Code; and

WHEREAS, the Board of Directors supports consideration and adoption by the 85th Legislature of legislation that addresses issues identified and supported by other regional mobility authorities throughout Texas, as well as issues that affect only the Mobility Authority, as set forth on the legislative program attached to this resolution as Exhibit A.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors approves the legislative program set forth in Exhibit A to this Resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of November, 2016

Submitted and reviewed by:

Approved:

Geoffrey Petrov, General Counsel

Ray A. Wilkerson
Chairman, Board of Directors

Exhibit A

CTRMA Legislative Priorities 85th Texas Legislative Session

The following is a list of priorities for the 85th Texas Legislative Session:

1. **Preserve Existing Procurement and Financing Tools:** Current statutory authority for regional mobility authorities (“RMAs”) provides tools which facilitate the efficient and economic development, financing, and operation of transportation projects under local control. Any effort to restrict or remove those tools, including the elimination of system financing, will undermine the ability of RMAs to deliver critical infrastructure projects. The CTRMA will work to assure that such tools are preserved.
2. **Facilitate Sharing of Customer Data Between TxDOT and LTPEs:** Efficient toll enforcement and collection efforts and enhanced customer service are integral to the successful operation of toll projects. TxDOT has indicated that current law precludes the sharing of information possessed by TxDOT with CTRMA for customers using CTRMA facilities. Amendments to existing legislation are required to clarify that this information can be shared between agencies.
3. **CDA Authority:** The CTRMA is faced with challenges in financing two projects important for the region - 183 North and Mopac South. A public-private-partnership (through a comprehensive development agreement) may be the most feasible way to finance and develop one or both of these projects. The CTRMA supports allowing MPOs to approve the use of CDAs for projects in their region. Alternatively, the CTRMA supports seeking project-specific CDA authorization for both 183 North and Mopac South.
4. **Preserve Local Decision Making and Autonomy of MPOs:** Currently TxDOT allocates funds to MPOs for use on tolled and non-tolled projects as identified in the Unified Transportation Plan. Notwithstanding the local decision to allocate funds to a non-tolled project, TxDOT has indicated that Transportation Commission approval may be required for the use of such funding. While TxDOT retains an oversight role in the use of funds (and an enhanced role for toll projects due to interoperability and other requirements), Transportation Commission approval of funding for non-toll projects is cumbersome and unnecessary. CTRMA supports statutory changes necessary to remove this requirement.
5. **Eliminate Requirement for RMA’s to Seek TxDOT Approval to Apply for Federal Funds:** Current law precludes an RMA from applying for federal highway or rail funds without the approval of TxDOT. Recent actions to increase funding (Prop 1 and Prop 7) have included restrictions on the use of state-controlled funds for toll projects, thus making reliance on federal funding more important. With the possibility of increased federal funding for infrastructure from a new administration (coupled with increased restrictions on use of state funds for toll projects), CTRMA should be allowed to pursue funds from federal sources without requiring the consent of TxDOT. The statutory requirement for consent should be removed.

6. **Transportation Reinvestment Zones:** Transportation Reinvestment Zones (“TRZs”) are an important tool for generating local funding for projects without raising taxes. Current law allows a city or county to assign TRZ revenues to an RMA to support the funding and development of an RMA project. However, recent Attorney General opinions and certain constitutional language have created issues related to a county’s use of a TRZ to generate and leverage potential project funding. The CTRMA supports efforts to enhance the use of TRZs by counties, and will support legislation, including a constitutional amendment, if necessary, to clarify the ability of counties to form a TRZ and to pledge TRZ revenues (or allow an RMA to pledge TRZ revenues) to secure bonds to pay the cost of a transportation project.

7. **Support Opportunities for Enhanced Toll Enforcement:** Efficient toll collection and appropriate enforcement remedies are key components of all tolling programs. Local tolling entities across the State are continuously working to improve toll collection efforts. The CTRMA will work with other tolling entities in supporting legislation that improves efficiency for toll collection or provides for enhanced enforcement remedies.