

CHAPTER 118

S.B. No. 1489

AN ACT

1  
2 relating to the powers and jurisdiction of a regional mobility  
3 authority.

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

5 SECTION 1. Subdivision (14), Section 370.003,  
6 Transportation Code, is amended to read as follows:

7 (14) "Transportation project" means:

8 (A) a turnpike project;

9 (B) a system;

10 (C) a passenger or freight rail facility,

11 including:

12 (i) tracks;

13 (ii) a rail line;

14 (iii) switching, signaling, or other

15 operating equipment;

16 (iv) a depot;

17 (v) a locomotive;

18 (vi) rolling stock;

19 (vii) a maintenance facility; and

20 (viii) other real and personal property

21 associated with a rail operation;

22 (D) a roadway with a functional classification  
23 greater than a local road or rural minor collector;

24 (D-1) a bridge;

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1 (E) a ferry;

2 (F) an airport, other than an airport that on  
3 September 1, 2005, was served by one or more air carriers engaged in  
4 scheduled interstate transportation, as those terms were defined by  
5 14 C.F.R. Section 1.1 on that date;

6 (G) a pedestrian or bicycle facility;

7 (H) an intermodal hub;

8 (I) an automated conveyor belt for the movement  
9 of freight;

10 (J) a border crossing inspection station,  
11 including:

12 (i) a border crossing inspection station  
13 located at or near an international border crossing; and

14 (ii) a border crossing inspection station  
15 located at or near a border crossing from another state of the  
16 United States and not more than 50 miles from an international  
17 border;

18 (K) an air quality improvement initiative;

19 (L) a public utility facility;

20 (M) a transit system;

21 (M-1) a parking area, structure, or facility, or  
22 a collection device for parking fees;

23 (N) if applicable, projects and programs listed  
24 in the most recently approved state implementation plan for the  
25 area covered by the authority, including an early action compact;  
26 [~~and~~]

27 (O) improvements in a transportation

1 reinvestment zone designated under Subchapter E, Chapter 222; and  
2 (P) port security, transportation, or facility  
3 projects eligible for funding under Section 55.002.

4 SECTION 2. Section 370.033, Transportation Code, is amended  
5 by amending Subsections (c) and (f) and adding Subsections (f-1)  
6 and (r) to read as follows:

7 (c) An authority may~~[, if requested by the commission,]~~  
8 perform any function not specified by this chapter to promote or  
9 develop a transportation project that the authority is authorized  
10 to develop or operate under this chapter ~~[in the authority's area of~~  
11 ~~jurisdiction].~~

12 (f) An authority ~~[and a governmental entity]~~ may enter into  
13 a contract, agreement, interlocal agreement, or other similar  
14 arrangement under which the authority may acquire, plan, design,  
15 construct, maintain, repair, or operate a transportation project on  
16 behalf of another ~~[the]~~ governmental entity if:

17 (1) the transportation project is located in the  
18 authority's area of jurisdiction or in a county adjacent to the  
19 authority's area of jurisdiction;

20 (2) the transportation project is being acquired,  
21 planned, constructed, designed, operated, repaired, or maintained  
22 on behalf of the department or another toll project entity, as  
23 defined by Section 372.001; or

24 (3) for a transportation project that is not described  
25 by Subdivision (1) or (2), the department approves the acquisition,  
26 planning, construction, design, operation, repair, or maintenance  
27 of the project by the authority.

1        (f-1) [~~An authority may enter into a contract or agreement~~  
2 ~~with the department under which the authority will plan, develop,~~  
3 ~~operate, or maintain a transportation project on behalf of the~~  
4 ~~department, subject to the transportation project being in the~~  
5 ~~authority's area of jurisdiction.] A contract or agreement under  
6 Subsection (f) [~~this subsection~~] may contain terms and conditions  
7 as may be approved by an authority, including payment obligations  
8 of the governmental entity and the authority.~~

9        (r) This chapter may not be construed to restrict the  
10 ability of an authority to enter into an agreement under Chapter  
11 791, Government Code, with another governmental entity located  
12 anywhere in this state.

13        SECTION 3. Section 370.161, Transportation Code, is amended  
14 to read as follows:

15        Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER  
16 COUNTIES. [~~a~~] An authority may study, evaluate, design,  
17 finance, acquire, construct, operate, maintain, repair, expand, or  
18 extend a transportation project [~~only~~] in:

- 19            (1) a county that is a part of the authority;  
20            (2) a county in this state that is not a part of the  
21 authority if the county and authority enter into an agreement under  
22 Section 370.033(f) [+

23            [~~(A) the transportation project in that county is~~  
24 ~~a continuation of a transportation project of the authority~~  
25 ~~extending from a county adjacent to that county,~~

26            [~~(B) the county is given an opportunity to become~~  
27 ~~part of the authority on terms and conditions acceptable to the~~

1 ~~authority and that county, and~~

2 ~~[(C) the commissioners court of the county agrees~~  
3 ~~to the proposed acquisition, construction, operation, maintenance,~~  
4 ~~expansion, or extension of the transportation project in that~~  
5 ~~county]; or~~

6 (3) a county in another state or the United Mexican  
7 States if:

8 (A) each governing body of a political  
9 subdivision in which the project will be located agrees to the  
10 proposed study, evaluation, design, financing, acquisition,  
11 construction, operation, maintenance, repair, expansion, or  
12 extension;

13 (B) the project will bring significant benefits  
14 to the counties in this state that are part of the authority;

15 (C) the county in the other state is adjacent to a  
16 county that ~~is~~:

17 (i) is part of the authority studying,  
18 evaluating, designing, financing, acquiring, constructing,  
19 operating, maintaining, repairing, expanding, or extending the  
20 transportation project; and

21 (ii) has a municipality with a population  
22 of 500,000 or more; and

23 (D) the governor approves the proposed study,  
24 evaluation, design, financing, acquisition, construction,  
25 operation, maintenance, repair, expansion, or extension.

26 SECTION 4. Subsection (b), Section 370.181, Transportation  
27 Code, is amended to read as follows:

1 (b) An authority may enter into an agreement with one or  
2 more persons to provide, on terms and conditions approved by the  
3 authority, personnel and services to design, construct, operate,  
4 maintain, expand, enlarge, or extend a ~~the~~ transportation project  
5 owned or operated by ~~of~~ the authority.

6 SECTION 5. Subchapter E, Chapter 370, Transportation Code,  
7 is amended by adding Section 370.1911 to read as follows:

8 Sec. 370.1911. COMMERCIAL TRANSPORTATION PROCESSING  
9 SYSTEMS AT INSPECTION FACILITIES AT INTERSTATE BORDERS. (a)

10 Notwithstanding Section 370.191, an authority may construct a  
11 border inspection facility to be used solely for the purpose of  
12 conducting commercial motor vehicle inspections by the Department  
13 of Public Safety, provided that the facility is located:

14 (1) at or near a border crossing from another state of  
15 the United States; and

16 (2) not more than 50 miles from an international  
17 border.

18 (b) To the extent an authority constructing a border  
19 inspection facility under this section considers appropriate to  
20 expedite commerce, the facility may include implementation of  
21 Intelligent Transportation Systems for Commercial Vehicle  
22 Operations (ITS/CVO) technology.

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.

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David Newkurt

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 1489 passed the Senate on April 25, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 8, 2013, by the following vote: Yeas 30, Nays 0.

Patsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1489 passed the House, with amendment, on May 2, 2013, by the following vote: Yeas 141, Nays 6, two present not voting.

Robert Haney

Chief Clerk of the House

Approved:

18 MAY '13

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

16 pm O'CLOCK

MAY 18 2013

[Signature]  
Secretary of State