

- SUBJECT:** Conveyance of ferries from the state to local government entities
- COMMITTEE:** Transportation — favorable, with amendment
- VOTE:** 7 ayes — Krusee, Phillips, Hamric, Callegari, Casteel, Deshotel, West
0 nays
2 absent — Flores, Hill
- SENATE VOTE:** On final passage, April 14 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 2075 by Seaman:*)
For — None
Against — Patty Heard, Petitioners of Port Aransas; Donna Hunn
- BACKGROUND:** Transportation Code, ch. 284 applies to causeways, bridges, tunnels, turnpikes, and highways in the following counties:
- a county with a population of 50,000 or greater that borders the Gulf of Mexico;
 - a county with a population of at least 1.5 million;
 - a county that borders a county with a population of at least 1.5 million; or
 - a county that borders Mexico.

The chapter authorizes a commissioners court of the county or a local government corporation to acquire and operate, without state approval, projects related to causeways, bridges, tunnels, turnpikes, and highways located primarily in the relevant county.

Local government corporations are authorized under the Texas Transportation Corporation Act (Transportation Code, ch. 431) to carry out such functions as design and construction of transportation systems. A local government corporation is authorized to act on behalf of local governments.

The Texas Department of Transportation (TxDOT) currently operates two ferry systems — one in Galveston and one in Port Aransas.

DIGEST: SB 1131, as amended, would allow counties and local government corporations described in ch. 284 to construct, acquire, or operate ferries.

The Texas Transportation Commission could convey a ferry to such a county or local government corporation. The conveyance could occur if the commission determined that the proposed transfer was integral to the region's mobility improvement plan and if the local entity agreed to the conveyance and to assume all liability for the maintenance and operation of the ferry. Also, in an election called by the city council, a majority of voters in the city in which the ferry was located would have to approve the conveyance. In addition, the conveyance of a ferry that used docking facilities located in a city with a population of 8,000 or less could not go forward without the approval of the city council.

The local entity would pay the commission for the cost of the ferry, unless the commission determined that the conveyance would result in a net benefit to the state and the traveling public that would equal or exceed the cost. In computing the cost of the ferry, the commission would consider the amount spent by the department for the original construction and associated costs as well as future anticipated costs to the state that would be avoided in conveying ferry maintenance and operations to the local entity.

The commission would conduct a public hearing about the proposed conveyance. The commission would adopt rules and the local entity would take action regarding criteria and guidelines for the approval of a ferry conveyance. If a conveyance occurred, the ferry would be removed from the state highway system, and the commission would have no liability or responsibility for the ferry.

A local entity could charge tolls for the use of the ferry and facilities to pay the costs of expanding the ferry and/or facilities.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

SB 1131 would create a way to increase the capacity of the ferry system that crosses the Corpus Christi Ship Channel and connects Port Aransas to the mainland. This increased carrying capacity would be important for public safety because ferries provide the primary means of evacuating Port Aransas in the event of a hurricane.

Although a toll would be charged to pay for expansion and operation, this would be a modest price to pay for safety. A resident toll could be set that was lower than a tourist toll, yet enough to help pay for the ferry's cost. The bill would promote safety and mobility. Providing better access in and out of Port Aransas also would foster tourism and economic development in the area.

SB 1131 would open the door for local control of ferries in Port Aransas. It would allow local leaders to expand the ferry system and work out plans with developers, which would bring economic benefits to the area and generate needed tax revenue for the city. The bill would support local control by requiring an election before any conveyance could be approved. Also, if the local government became responsible for ferry expansion, taxpayers in the rest of the state would not be responsible for that ferry project, which would save money for the state.

Despite some mistaken notions that the ferry landing would be moved to the environmentally sensitive wildlife preserve known as Charlie's Pasture, there are no plans to move the landing to this area. Instead, the landing would move to an area currently administered by TxDOT.

**OPPONENTS
SAY:**

By allowing a toll to be charged for the use of the ferry, this bill would create an expensive burden for people who live and work in the area. There are a number of low-income citizens who take the ferry to work who could not afford to pay a toll for what currently is a free ferry service.

Development that accompanied the conveyance of the Port Aransas ferry system could be environmentally destructive and cause infrastructure problems. Developers have plans to build ferry support and tourist complexes in and adjacent to an environmentally sensitive wetlands preserve. Roads to the proposed ferry landings would destroy the wetlands and the wildlife habitat there. In addition, development would strain local water and wastewater systems and increase traffic congestion.

NOTES: The committee amendment would require voter approval of a ferry conveyance.

The House companion bill, HB 2075 by Seaman, was left pending in the Transportation Committee on April 19.