

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1384
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Rules proposed by a regional tollway authority are difficult for residents to find because they are posted in the Texas Register rather than in local papers.

C.S.S.B. 1384 requires a regional tollway authority to publish rulemaking notification in the local newspaper, rather than follow the procedures of state agencies and publish the information in the Texas Register. It also authorizes an agreement between a regional tollway authority and a government entity, such as a contract for the improvement of a highway by the regional tollway authority, to include a provision that the actions of the regional tollway authority are governed by Chapter 366 (Regional Tollway Authorities), Transportation Code, notwithstanding any other laws, rules, or procedures.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to a regional tollway authority is modified in SECTION 3 (Section 366.033, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.113, Transportation Code, by adding Subsection (c) to authorize an agreement entered into under this section (Agreements with Regional Tollway Authorities) to provide that an improvement of a portion of the state highway system by a regional tollway authority (authority) is governed by the applicable provisions of Chapter 366 (Regional Tollway Authorities) and the applicable rules and procedures adopted by the authority under that chapter, as those provisions apply to a turnpike project under that chapter, notwithstanding the laws, rules, or procedures of the Texas Department of Transportation (TxDOT).

SECTION 2. Amends Section 361.301, Transportation Code, as follows:

Sec. 361.301. New heading: AGREEMENTS WITH PUBLIC ENTITIES. (a) Authorizes TxDOT to enter into an agreement with a public entity and adds designing, developing, and financing turnpike projects to the functions the entity is authorized to perform. Deletes existing text authorizing TxDOT to enter into agreements with private entities, including toll road corporations, to construct, maintain, repair, and operate turnpike projects.

(b) Authorizes an agreement entered into under this section with an authority governed by Chapter 366 to provide that certain functions performed by an authority are governed by the applicable provisions of Chapter 366 and the applicable rules and procedures adopted by the authority under that chapter, as those provisions apply to a turnpike project under that chapter, notwithstanding the laws, rules, or procedures of TxDOT. Deletes existing text of this subsection.

SECTION 3. Amends Section 366.033, Transportation Code, by amending Subsection (b) and adding Subsection (k), as follows.

(b) Requires rules adopted by an authority to be published in a certain type of newspaper once a week for two consecutive weeks after adoption of the rule. Sets forth the information the notice must contain. Provides that a rule becomes effective 10 days after

the date of the second publication of the notice under this subsection. Deletes the requirement that the rules comply with certain procedures in the Government Code, with certain exceptions.

(k) Authorizes a contract or agreement, if an authority enters into a contract or agreement to perform certain functions of a turnpike project, system, or other project on behalf of certain entities, to provide that the function is governed by the applicable provisions of this chapter and the applicable rules and procedures adopted by the authority under this chapter, notwithstanding the laws, rules, or procedures of the other party.

SECTION 4. Effective date: September 1, 2005.