

BILL ANALYSIS

Senate Research Center

S.B. 2248
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Wyler Aerial Tramway (Tramway) at Franklin Mountains State Park is the only one of its kind in the state, and an iconic symbol of El Paso that draws thousands of visitors each year. From Ranger Peak, 5,632 feet above sea level, visitors look out over 7,000 square miles encompassing three states and two nations. In 1997, the Tramway was donated to the Texas Parks and Wildlife Department (TPWD), and has since welcomed 45,000 visitors each year.

Statewide, visitation at the 99 Texas state parks, natural areas and historic sites over the past six years has increased by more than 20 percent, with 9.7 million visitors in fiscal year 2017. As they strive to remain good stewards of our natural resources and to provide access, park managers are struggling to keep up with the pressure of more visitors.

In September of 2018, after receiving an engineering report of the Tramway, TPWD abruptly closed the Tramway due to safety concerns. The agency is currently determining options and costs to repair and/or replace the Tramway infrastructure and resume operations. This effort has widespread support from public and private stakeholders alike, including the City of El Paso and the El Paso Community Foundation.

The Camino Real Regional Mobility Authority (CRRMA) has offered its services to perform the engineering and construction needed to reopen the Tramway. The CRRMA is authorized by Chapter 370 of the Transportation Code (the RMA Act) to develop a wide range of transportation projects and is equipped with a variety of tools with which to procure the development of those projects. S.B. 2248 would clarify that a regional mobility authority (RMA) could develop the Tramway by revising the definition of a “transportation project” under the RMA Act to include an aerial cable car or aerial tramway for the transportation of persons or property, or both.

Additionally, the bill makes it clear that an RMA may enter into an agreement with a state agency. RMAs currently may enter into agreements with local governmental entities and TxDOT. To pursue the Tramway project, the CRRMA would need to enter into an agreement with TPWD outlining the responsibilities of each entity. The legislation removes any uncertainty of the CRRMA’s authority to enter into such an agreement.

S.B. 2248 does not create any new tax, fee, or other revenue source. Funding for the Tramway project would still need to be identified but the bill will provide the underlying authority for the CRRMA and TPWD to pursue the project when funding becomes available.

As proposed, S.B. 2248 amends current law relating to the ability of a governmental entity to contract for the development and operation of a transportation project.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 370.003(8) and (14), Transportation Code, as follows:

(8) Includes the Texas Department of Transportation (TxDOT) or another agency of the state, rather than TxDOT, in the definition of "governmental entity."

(14) Includes an aerial cable car or aerial tramway for the transportation of persons or property, or both, in the definition of "transportation project."

SECTION 2. Amends Section 370.303, Transportation Code, as follows:

Sec. 370.303. New heading: AGREEMENTS BETWEEN AUTHORITY AND GOVERNMENTAL ENTITIES. (a) and (b) Makes no changes to these subsections.

(b-1) Authorizes an agreement under Subsections (a) or (b) to include a means for a governmental entity to pledge or otherwise provide, rather than authorizing an agreement under Subsection (b) to include a means for a local governmental entity to pledge or otherwise provide, funds for a transportation project that benefits the governmental entity to be developed by an authority.

(c)-(g) Makes no changes to these subsections.

SECTION 4. Effective date: upon passage or September 1, 2019.