

SUBJECT: Concurrent state and federal applications for Rio Grande bridge construction

COMMITTEE: Border and International Affairs — committee substitute recommended

VOTE: 6 ayes — Chavez, Griggs, Canales, Castro, Merritt, Riddle

0 nays

WITNESSES: For — Joe Garcia, Texas Border Infrastructure Coalition; Manuel Mendez, City of Laredo (*Registered, but did not testify*); Ana Yanez-Correa, LULAC-Texas

Against — None

BACKGROUND: Under Transportation Code, sec. 201.612, a political subdivision or private entity authorized to construct or finance the construction of a bridge over the Rio Grande must obtain approval from the Texas Transportation Commission before requesting federal approval under U.S. Code, Subchapter IV, Chapter 11, Title 33. To the maximum extent possible, the Texas Department of Transportation is required to implement the approval process in a manner least burdensome to the applicant.

In determining whether to approve construction of a bridge, the commission is required to consider the applicant's financial resources; whether the revenue to be generated by the bridge is sufficient to finance the planning, design, construction, operation and maintenance of the bridge; whether the construction of the bridge is consistent with the state and metropolitan transportation plans; the potential effect of the bridge on the regional economy and environment, on traffic congestion, and on the free flow of trade between Mexico and the United States; and the commitments of Mexican authorities to provide appropriate roadways to the bridge. If the commission fails to make a determination within 121 days of receiving a request for approval, the request is considered approved.

DIGEST: CSHB 1653 would amend Transportation Code, sec. 201.612 to allow a political subdivision or private entity to seek concurrent state and federal approval to construct or finance construction of a bridge over the Rio Grande.

If the Transportation Commission did not approve construction of the bridge, the applicant would be required to withdraw the federal application.

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, 2003.

**SUPPORTERS
SAY:**

CSHB 1653 would streamline the process for getting approval to build bridges connecting the United States and Mexico and would help facilitate trade between the two countries. With the passage of the North American Free Trade Agreement, there is an urgent need for additional bridges to accommodate the increased traffic.

Current statutory requirements will require the city of Laredo, which is currently involved in plans to build another bridge over the Rio Grande, to wait up to four months to get state approval before submitting its federal application. Many of the application requirements are similar, and there would be no strong reason to delay the submission of a federal application, particularly because the bill would require the application to be withdrawn if the state rejected the proposal.

This statutory change also would benefit other border cities in avoiding unnecessary delays in the construction process.

**OPPONENTS
SAY:**

While the permitting process may seem lengthy and burdensome, it is appropriate for the Texas Department of Transportation to conduct a thorough review that takes state and local concerns into account before a federal application is submitted. This prevents federal regulators from having to invest time and money reviewing projects that ultimately do not receive state approval.

The state should continue to be involved in the permitting process so that decisions about the construction of roads and highways on both sides of the border can be taken into account in planning for bridge construction.

NOTES:

The bill as introduced differs from the committee substitute in that it would have repealed entirely Transportation Code, sec. 201.612.

