

## **BILL ANALYSIS**

Senate Research Center  
82R423 JTS-D

S.B. 161  
By: Shapiro  
Transportation & Homeland Security  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there is no state law to guide the Texas Transportation Commission's (TTC) allocations of revenue to the regions of the state. Thus, TTC has the ability to shift funding allocations administratively and at its discretion. The legislature and the public have voiced concern about the criteria TTC uses to select and fund projects. The requirements needed to address urban/congestion needs and rural/statewide connectivity needs are vastly different and should not have to compete for the same revenue source. To address these concerns, this legislation bifurcates the funding by requiring the Texas Department of Transportation (TxDOT) to establish separate funding formulas for rural/statewide connectivity needs and urban/large population needs. The revenue would be divided between these two categories and distributed to TxDOT districts based on performance measures. TxDOT would be required to establish project criteria to determine the feasibility of projects for planning purposes.

As proposed, S.B. 161 amends current law relating to highway funding formulas of and project selection by the Texas Department of Transportation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 201.6021, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 201, Transportation Code, by adding Sections 201.6021 and 201.6022, as follows:

Sec. 201.6021. FUNDING FORMULAS FOR HIGHWAY PROJECTS. (a) Requires the Texas Transportation Commission (TTC) to adopt rules creating funding formulas for highway projects. Requires TTC, in developing formulas, to consider the input of planning organizations, transportation officials, and local government officials.

(b) Requires that all funds received by the Texas Department of Transportation (TxDOT) for highways, including toll roads and toll road systems, that may be allocated in this state's or TxDOT's discretion, be allocated according to a formula designed to determine the proportion of funds necessary to address rural and statewide connectivity needs, and the needs of urban and other heavily populated areas.

(c) Requires TxDOT to allocate from each category in Subsection (b) amounts derived by formula to each district. Requires that the formula be based on performance measures and include center lane miles, level of congestion, percentage of population below federal poverty level, population, safety, and vehicle miles traveled.

Sec. 201.6022. HIGHWAY PROJECT SELECTION CRITERIA: FEASIBILITY AND POPULATION AND USE PROJECTIONS. (a) Requires TxDOT to develop criteria to determine the feasibility of highway projects to be included in local transportation improvement plans and the statewide transportation improvement plan.

(b) Requires TxDOT to adopt population and highway demand projections for each area for which a metropolitan planning organization or TxDOT develops a transportation improvement plan. Requires TxDOT and each metropolitan planning organization to use the criteria and projections to develop the entity's transportation improvement plan.

SECTION 2. Effective date: September 1, 2011.