

BILL ANALYSIS

Senate Research Center

S.B. 2248
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Transportation
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Enrolled

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. (Original Author's/Sponsor's Statement of Intent)

S.B. 2248 amends current law relating to the development and operation of an aerial cable car or aerial tramway by a regional mobility authority created by a municipality.

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 state agency, 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, that is located in the jurisdiction of an authority created under Section 370.031(c) (relating to authorizing a municipality fitting certain criteria to create and participate in a regional mobility authority) in the definition of "transportation project." Makes nonsubstantive changes.

SECTION 2. Amends the heading to Section 370.303, Transportation Code, to read as follows:

Sec. 370.303. AGREEMENTS BETWEEN AUTHORITY AND GOVERNMENTAL ENTITIES.

SECTION 3. Amends Section 370.303(b-1), Transportation Code, as follows:

(b-1) Authorizes an agreement under Subsections (a) (relating to the authority of a governmental entity, consistent with the Texas Constitution, to issue bonds, notes, or other obligations or enter into and make payments under agreements with an authority in connection with the financing, acquisition, construction, or operation of a transportation project by an authority) or (b) (relating to authorizing a governmental entity, in addition to the powers provided by Subsection (a), to the extent constitutionally permitted, to agree with an authority to take certain actions), rather than under Subsection (a), to include a means for a governmental entity, rather than 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.

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