



NORTH TEXAS TOLLWAY AUTHORITY

**LEGISLATIVE INITIATIVES  
OF  
NORTH TEXAS TOLLWAY AUTHORITY  
FOR  
80th LEGISLATIVE SESSION**

*The North Texas Tollway Authority (NTTA) Board of Directors approved the following legislative provisions at its December 20, 2006 regular Board meeting.*

**LEGISLATIVE ITEMS TO PROPOSE**

**1. GOVERNANCE**

- Statutory and Bylaws changes
- Eliminate rotating seats
- Founding counties get 2 seats
- Other counties which join the Authority will get a 2nd seat when a project is open to traffic and meets one or more criteria (e.g., a minimum length of roadway and/or operating for a minimum length of time); staff's recommendation is a 10-mile minimum project length and a three-year operating period
- 85% super-majority required for "Major Decisions"
- Bylaws amendment scheduled for December Board meeting

**2. CDA AUTHORITY**

- The NTTA already has authority for public/private partnership activities
- However, its current statutory authority is not as detailed as, and its nomenclature differs from, that used in TxDOT's and RMA's legislation
- Proposed amendment is a slightly blended version of existing TxDOT and RMA provisions
- This authority will assist the NTTA in becoming the region's "implementing agent" for CDAs, as contemplated by the Protocol

### **3. DESIGN-BUILD AND CONSTRUCTION MANAGER-AT-RISK AUTHORITY**

- RMAs have design-build authority; this amendment mirrors the RMA provision
- Several political entities in Texas have CM-at-risk authority; this amendment draws on (but greatly compresses) those provisions
- Both of these tools, utilized on the appropriate type of project, can (1) lessen the possibility of disputes between designer and contractor, (2) enhance value-engineering opportunities, and (3) shorten delivery timelines

### **4. STEWARDSHIP OF ASSETS**

- The NTTA already has the authority to rent, lease, franchise, license or otherwise make available its properties
- Many of the NTTA's most valuable assets are intangible ones, such as software and know-how
- It would be beneficial to explicitly reference intangible property in the statute, and expand the purposes for which the NTTA's properties may be provided to others

### **5. TRANS-TEXAS CORRIDOR**

- RMAs are authorized to use all powers available to TxDOT when participating in the development of the Trans-Texas Corridor
- Adding that provision to the NTTA's statute would confer that same authority if and when needed, and also highlight the NTTA's willingness to support TxDOT and to play a role in the Corridor's delivery

### **6. EXPENDITURE OF TOLL REVENUES FOR NON-DNT SYSTEM PROJECTS**

- Authorize, under limited circumstances, the NTTA to expend available toll revenues for the design and construction of non-DNT System, non-toll roads in the NTTA's service area
- Available amount is capped, and expenditure cannot place the NTTA in breach of any trust agreement or other restriction
- The NTTA selects the projects and, at its option, designs and constructs them
- Projects may not decrease DNT System revenues

- Projects must either enhance the performance or ameliorate the impact of an NTTA turnpike
- Reflects region's expectation that toll roads support non-tolled infrastructure
- Expands relevance and impact of the NTTA
- Leverages NTTA project delivery expertise

## **RESPONSE TO TXDOT LEGISLATIVE INITIATIVES**

- TxDOT has suggested several undesirable changes to the enabling legislation for regional Tollway authorities (RTAs) – applicable solely to the NTTA since it is the state's only RTA – that should be opposed; those changes provide specific authority for:
  - an RTA to dissolve
  - a county to withdraw from an RTA, and
  - an RTA to convert to or take on the powers of an RMA
- A legislative initiative later suggested by TxDOT calls for removing “the ability of an RTA or county toll authority to block a toll project of an RMA;” this refers to the compromise – then deemed crucial by the NTTA and HCTRA – reached when the RMA legislation was enacted that an RMA could not construct or operate a turnpike project in the NTTA's or HCTRA's service area without a written agreement with the applicable entity. NTTA will oppose any such legislative efforts.
- TxDOT also seeks authority to acquire RTA projects, as well as “additional funding options to do so;” there already is adequate authority for the NTTA to transfer projects and unless and until this region and the NTTA desire additional authority. The NTTA will also oppose this initiative.
- There are several TxDOT legislative initiatives that would be beneficial to the NTTA too; the NTTA should be added to that legislation and may wish to work for its passage
- Recent communication from the Chairman of the Texas Transportation Commission and action by the Commission at its December, 2006 meeting indicate good progress by TxDOT and the NTTA in resolving their legislative disagreements.