



LEGISLATIVE GOALS FOR THE 81ST TEXAS LEGISLATURE

Adopted August 20, 2008

North Texas Tollway Authority (NTTA) Legislative Goals for the 81st Texas Legislature

LEGISLATIVE ITEMS FOR CONSIDERATION

1. LOCAL PRIMACY AND DEVELOPMENT AND FINANCE AUTHORITY

- SB 792, passed in the 2007 legislative session, established a framework for local toll authorities and TxDOT to allocate, and undertake the development of, toll projects. This framework, among other things, gave the local toll authorities the first option to develop a proposed toll project in their respective service areas, and specifically granted the NTTA additional contracting and procurement authority. Consider legislative amendments consistent with this framework to maintain and, as appropriate, enhance the development, financing, procurement, and contracting authority granted to the NTTA during the 80th Texas Legislature.
- Consider modifying statutory provisions relating to the issuance of bonds or other obligations for the financing of toll projects to provide for a maximum maturity of 50 years.

2. MARKET VALUATION ALTERNATIVES AND REVISIONS

- Evaluate possible alternatives to improve the existing market valuation process.
- In any such alternative process, consider features that:
 - Eliminate any existing statutory or other provisions that favor a full-concession CDA model over the public-sector finance model;
 - In order to avoid unnecessary delay, allow a local toll authority to advance the environmental clearance and other project development tasks for a proposed toll project within its service area prior to the determination of whether it or another entity will be the ultimate developer;
 - Allow local toll authorities the use of state right-of-way and access to the state highway system in the development of their projects; and
 - Clarify the allocation of funding responsibilities for project development costs, such as mainlane (local toll authority) and interchange (TxDOT) costs.

3. MANDATORY TOLL OPERATIONS AND ADMINISTRATION

- Consider modifying the statutory requirement that the NTTA provide toll operations to all developers of toll projects in its service area so as to authorize performance collateral that, unlike a letter of credit, neither diminishes payments to the region nor the NTTA's capacity to undertake future projects.
- To facilitate the enforcement of toll violations and better harmonize the varying statutory enforcement processes provided the different Texas toll authorities, consider legislative amendments to (i) specifically enable the NTTA to utilize the most-favorable enforcement features in state law and (ii) establish an administrative court process to supplement the current overtaxed justice of the peace process.
- To (i) reconcile the inconsistent conflicts of interest laws, drawn from varying sources at different times, currently applicable to the NTTA board of directors and (ii) better administer those rules to ensure compliance, simplify, harmonize, and make those conflicts provisions consistent with state law requirements applicable to other governmental entities in the transportation field.

4. TRANSPORTATION FUNDING

- Support additional legislative funding for TxDOT and transportation projects through the indexing of the motor fuels tax.
- Support statutory authority that would prohibit the diversion of transportation funds to non-transportation purposes.
- Support legislative amendments that expedite the distribution of transportation funding to this region generated by the approximately \$730 million SH 121 accelerated annual payments made by the NTTA, as well as similar upfront and contract payments and "surplus revenue" to be expended in this region.