

Why communities are forming RMAs...

Accelerate projects – Improve mobility – Enhance economic development – Create new revenue source to fund other transportation projects

CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY (TRAVIS AND WILLIAMSON COUNTIES)

- Created: October 31, 2002
- Initial Project: US 183A, approximately 12 miles

“Congestion-relieving projects that would otherwise not be built for decades, can be built in a relatively short period of time by an RMA. As an economic engine benefiting single or multi-county regions, it can grow stronger with time to fund future mobility projects in that region. With an RMA, economic development, job growth, safety and quality of life are all enhanced without raising taxes.”

— Bob Tesch, Chair, Central Texas Regional Mobility Authority

BEXAR COUNTY REGIONAL MOBILITY AUTHORITY

- Created: December 18, 2003
- Initial Project: 50-mile toll network

“A regional mobility authority will afford the San Antonio area an opportunity to significantly accelerate needed transportation projects and have a local entity make mobility decisions for its own community. For Bexar County, the RMA will be developing a toll network that will generate revenue that will be directed to other, long-awaited infrastructure projects. The result will be an improved transportation system that gets people where they want to go, without having to waste time sitting in traffic.”

— Dr. Bill Thornton, Chair, Bexar County Regional Mobility Authority

GRAYSON COUNTY REGIONAL MOBILITY AUTHORITY

- Created: April 29, 2004
- Initial Project: SH 289, approximately 12 miles

“The top reason for forming an RMA in Grayson County is simple – we need to expand SH 289 and can’t afford to wait years for it. From an economic development standpoint, this project is very important to our community because it will improve access to the airport. The RMA gives the county the ability to use the new tools the legislature has given us to design, build and finance new highways faster. Longer-term, the RMA will give us the ability to better control our own destiny.”

— Tim McGraw, Grayson County Judge

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SECTION 1

GENERAL INFORMATION

WHAT IS A REGIONAL MOBILITY AUTHORITY?

A regional mobility authority (RMA) is a political subdivision formed by one or more counties to finance, acquire, design, construct, operate, maintain, expand or extend transportation projects.

The project may be tolled or non-tolled.

BENEFITS OF CREATING AN RMA

- Generates revenue for additional transportation projects
- Provides local governments more control in transportation planning
- Helps build transportation projects sooner, bringing congestion relief faster
- Improves mobility and increases safety for motorists

POWERS OF AN RMA

- Develop a transportation project
- Issue revenue bonds
- Establish tolls
- Acquire or condemn property for transportation projects
- Use surplus revenue to finance other local transportation projects
- Enter into a comprehensive development agreement
- Apply for federal highway and rail funds
- Enter into contracts with other governmental entities and Mexico
- Apply for loans from State Infrastructure Bank
- Maintain a feasibility fund
- Set speed and weight limits consistent with state guidelines

REVENUE GENERATED BY AN RMA

(Transportation Code, Section 370.172)

To support operations, revenue can be generated from several sources:

- Tolls, fares or other charges from transportation projects
- Proceeds from the sale or lease of a transportation project
- Proceeds from the sale or lease of property adjoining a transportation project



RESPONSIBILITIES OF THE TEXAS TRANSPORTATION COMMISSION

The state legislature gave the transportation commission oversight of regional mobility authorities. Specifically, the commission will:

- Approve creation of RMAs
- Approve projects connecting to the state highway system or rail facility
- Establish design and construction standards for projects connecting to the state highway system or rail facility
- Establish audit and reporting requirements; ethical standards for directors and employees
- Authorize RMA to enter into a contract with Mexico
- Approve addition or withdrawal of counties
- Approve dissolution of an RMA
- Approve RMA application for federal highway or rail funds

HISTORY

- November 6, 2001 Proposition 15, a constitutional amendment, authorized the creation of regional mobility authorities. The proposition was approved by 68 percent of voters.
- June 2003 House Bill 3588 became law, amending the statute governing regional mobility authorities.
- October 30, 2003 TxDOT proposed the adoption of new rules incorporating changes to the RMA statute, as amended by the Legislature.
- February 26, 2003 Final adoption of new rules by Texas Transportation Commission.

SECTION 2

FORMATION

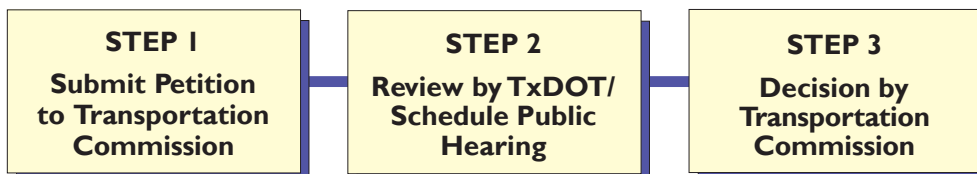
ELIGIBLE ENTITIES

Any county, including one that is part of an existing tollway authority, may form a regional mobility authority. Legislation also allows the City of El Paso to form an authority.

GEOGRAPHIC BOUNDARIES

- Counties forming an RMA do not have to be adjacent to one another.
- The service area of an RMA may overlap with another RMA.
Ex: An individual county may form its own RMA and may also be part of another RMA.

PETITION AND APPROVAL PROCESS



Petitions should be submitted to the chairman of the transportation commission.

Petitions will be reviewed by the Texas Department of Transportation to ensure the application is complete. If deficiencies are identified, the department will work with the county (or counties) to address the issues and schedule a public hearing. TxDOT will address public comments submitted during the hearing and make a recommendation to the transportation commission. Official action to establish an RMA will come from the transportation commission in the form of a minute order.

STEP 1
Submit Petition to Transportation Commission

STEP 1:

SUBMIT PETITION TO TEXAS TRANSPORTATION COMMISSION

(Title 43, Texas Admin. Code, Section 26.11)

PETITION REQUIREMENTS

- Resolution from commissioners court of each county
- Description of impact on regional mobility
- Identification of proposed transportation project:
 - Project inclusion in local and state transportation plans
 - Description of known environmental, social, economic or cultural impacts
 - Description of known opposition to proposed project, including names and addresses of individuals and organizations opposed to the project
 - Preliminary financing plan, if available.
- Agreement by RMA to obtain environmental permits and fulfill commitments
- List of other potential RMA projects under consideration
- Criteria for determining geographic makeup of the board
- Appointment process of board members (i.e. involvement of city, county or other local governmental entities in selecting board members)

STEP 2
Review by TxDOT/ Schedule Public Hearing

STEP 2:

REVIEW PETITION AND SCHEDULE A PUBLIC HEARING

(Title 43, Texas Admin. Code, Section 26.12)

- TxDOT will review petition to ensure all requirements have been met before a public hearing date can be set. If the petition is not complete, it will be returned to the petitioner to address deficiencies.
- TxDOT will hold one or more public hearings to receive comments on the petition.
- TxDOT will post notice of public hearing in Texas Register.
- County will advertise the hearing in accordance with a public outreach plan developed with TxDOT.

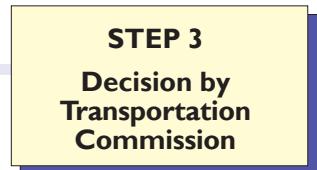
RECOMMENDED PUBLIC OUTREACH ACTIVITIES

- Post legal notice in classified section of area newspapers
- Place an advertisement in general circulation sections of area newspapers
- Letters to neighborhood associations, affected political subdivisions or community groups
- Post hearing information and petition on county website
- Other innovative outreach activities targeting the general public

STEP 3:

DECISION BY TEXAS TRANSPORTATION COMMISSION

(Title 43, Texas Admin. Code, Section 26.13)



To approve a petition, the transportation commission will consider the following:

- Sufficient public support based on public hearings, resolutions/opinions from affected political subdivisions and the metropolitan planning organization
- Benefit to the traveling public
- Improvement of regional and statewide mobility
- Project consistency with local and state transportation plans
- Agreement by RMA to obtain environmental permits and fulfill commitments

The transportation commission may deny a petition if it determines the geographic representation and appointment process of the RMA board will not fairly represent political subdivisions affected by its creation.

BOARD OF DIRECTORS

- Each county will appoint an equal number of members (minimum of two).
- The governor will appoint an additional member as the presiding officer.
- Members will serve staggered, six-year terms, ending February 1 of odd numbered years and may be re-appointed at the discretion of the appointing entity. Terms of no more than one-third of the members may expire at once.

ALTERNATE BOARD STRUCTURE

(Title 43, Texas Admin. Code, Section 26.16)

A regional mobility authority, that includes a county where a regional tollway authority operates or where a county toll authority owns or operates a toll project, may develop an alternate board structure that provides adequate representation of these affected entities.

- The counties affected are Collin, Denton, Dallas, Tarrant and Harris.

- The transportation commission will approve the alternate board structure if:
 - Resolution is submitted by commissioners court of each county in the RMA
 - Adequate representation of affected political subdivisions is provided

ADDITION OF COUNTIES

(Title 43, Texas Admin. Code, Section 26.21)

Addition of a county will be approved by the transportation commission if:

- County to be added submits a resolution
- RMA board agrees in writing
- Each member county of the RMA submits a resolution
- Affected political subdivisions of the county to be added have adequate representation
- Regional and statewide mobility improves

WITHDRAWAL OF COUNTIES

Title 43, Texas Admin. Code, Section 26.22)

Withdrawal of a county will be approved by the transportation commission if:

- RMA has no unpaid or outstanding bonds
- RMA has debt other than bonds, the RMA board must also approve the withdrawal

DISSOLUTION OF AN RMA

(Title 43, Texas Admin. Code, Section 26.23)

A **voluntary dissolution** must be approved by the transportation commission.

To approve a voluntary dissolution:

- Debts, obligations or liabilities must be paid
- No legal actions or judgments are pending; if so, provisions are in place to address these actions

An **involuntary dissolution** may be ordered by the transportation commission on the grounds that the RMA has not substantially met its requirements as an authority. For an involuntary dissolution to be ordered, there must be:

- No outstanding debts, obligations or liabilities
- No legal actions or judgments pending; if so, provisions must be in place to address them

If dissolution is ordered by the commission:

- Creditors, if any, must agree to the dissolution
- RMA must be given written notice and offered an opportunity to speak before commission, at least 30 days prior to adopting an order of dissolution



SECTION 3

TRANSPORTATION PROJECTS

ELIGIBLE PROJECTS OF AN RMA

(Title 43, Texas Admin. Code, Section 26.1)

- Tolled or non-tolled roadway
- Passenger or freight rail (tracks, locomotive equipment and facilities)
- Ferry
- Airport
- Pedestrian or bicycle facility
- Intermodal hub
- Border crossing inspection station (except in Laredo)
- Automated conveyor belt for the movement of freight
- Air quality improvement initiative
- Public utility facility
- Project listed in State Implementation Plan (air quality plan)

PUBLIC UTILITIES

- A public utility facility is defined as:
 - water, wastewater, natural gas or petroleum pipeline
 - electric transmission or distribution line
 - telecommunications information services, cable television service, fiber optic cable, wireless communication facilities
- An RMA may not directly provide utility services but may install and construct a public utility and request removal and relocation.
- Regulations regarding removal and relocation are described in Transportation Code, Section 370.170.

COMMERCIAL VEHICLE FACILITY

(Transportation Code, Section 370.191)

These provisions apply only to a port of entry for land traffic from Mexico:

- Construction must include Intelligent Transportation Systems for Commercial Vehicle Operations.
- Regional mobility authority must coordinate with state and federal transportation officials to develop interoperability standards.
- Facility must be used for other regulation and enforcement functions related to commercial vehicles.
- Development of these facilities by an RMA is subject to availability of federal construction funds.



PROJECT DESIGNATION

(Title 43, Texas Admin. Code, Section 26.35)

A project by an RMA is not part of the state highway system unless:

- Requested by the RMA and approved by the transportation commission
- RMA agrees to design, construct, maintain and operate according to TxDOT standards
- RMA agrees to reviews and approvals required by TxDOT
- RMA assumes responsibility for environmental permitting and all related commitments.

ACQUISITION OF PROPERTY

- An RMA has the same powers as the transportation commission in acquiring property.

(Title 43, Texas Admin. Code, Section 370.163)

- A property owner may receive a percentage of revenue generated from the transportation project in lieu of payment for property.

(Title 43, Texas Admin. Code, Section 370.166)

ENVIRONMENTAL REVIEW

- All transportation projects must undergo environmental review either by following the National Environmental Policy Act, or
- Environmental rules established by the authority, in cases where the federal environmental rules do not apply.

EXTENDING INTO OTHER COUNTIES

(Transportation Code, Section 370.161)

An RMA may acquire, construct, operate, maintain, expand or extend a transportation project into counties not within the RMA geographic area if:

- Project is an extension of an existing RMA project located in the adjacent county
- County is allowed to join the RMA, and
- County commissioners court agrees to the RMA action



EXTENDING TO ANOTHER STATE OR MEXICO

(Transportation Code, Section 370.161)

An RMA may acquire, construct, operate, maintain, expand or extend a transportation project into another state or Mexico if:

- A city that borders Mexico has a population of 500,000 or more and has the same authority as a county to create an RMA
- Political subdivisions where the project will be located approve of the RMA action
- RMA member counties/city receive significant transportation benefits
- The county of another state/Mexico is adjacent to the RMA-county/city where the project is being developed
- Texas governor approves project development



SECTION 4

PROJECTS CONNECTING TO STATE HIGHWAY OR RAIL FACILITY

GENERAL INFORMATION

- Transportation commission approval is needed for a project that connects to the state highway system or rail facility.
- Environmental review must be completed before requesting commission approval.

DESIGN, CONSTRUCTION AND CONTRACTS

(Title 43, Texas Admin. Code, Section 26.33)

For an RMA project connecting to a state highway or rail facility, TxDOT design and construction standards must be followed for the entire length of the RMA project.

TxDOT review and approval of design and construction plans are required only for the segment of the project that connects to the state highway or rail facility (such as an interchange). In this instance, the following rules apply:

- Exceptions to the state design and construction specifications may be granted by TxDOT's executive director (or designee) on a case-by-case basis.
- Preliminary design plans (30 percent complete) must be submitted to TxDOT for review and approval.
- Final design plans must be submitted to TxDOT for review and approval according to the procedures and timelines outlined in the project development agreement between TxDOT and RMA.
- The segment of the project may not be advertised for bids until TxDOT approves preliminary specifications and estimates. This does not apply to a project under a comprehensive development agreement.
- Major contract revisions related to the connections to state transportation facility must be approved by TxDOT's executive director (or designee). Major contract revisions are defined in Title 43, Texas Admin. Code, Section 26.33.
- If federal funds are used, alternate design specifications require approval by Federal Highway Administration.
- If the connection to the state highway or rail facility changes the access control line to an interstate highway, RMA must submit necessary data to TxDOT before requesting approval from Federal Highway Administration.



PROJECT DEVELOPMENT AGREEMENT

(Title 43, Texas Admin. Code, Section 26.34)

If a project connects to a state highway or rail facility, the RMA and TxDOT will enter into a project development agreement that describes at minimum:

- Responsibilities of each party regarding environmental permitting, design and construction
- Procedures for submission of design and construction plans, if applicable
- Timelines for approvals by TxDOT executive director (or designee), if applicable

PROJECT OPERATING AGREEMENT

(Title 43, Texas Admin. Code, Section 26.54)

- If a project connects to the state highway or rail facility, the RMA and TxDOT may enter into a project operating agreement for various functions. The agreement may include maintenance and operation, provided the RMA reimburses TxDOT for associated costs.
- A reimbursement exception applies if an RMA is provided toll equity assistance. (Title 43, Texas Admin. Code, Section 27.50-27.58)

TOLL INTEROPERABILITY

(Title 43, Texas Admin. Code, Section 27.35)

- To ensure efficient operation of toll roads in Texas, compatibility of the toll collection system will be considered when an entity, such as an RMA, requests state funding assistance for a toll facility.
- The funding request must include a description of how the toll collection system will be compatible with other toll collection systems operated by other entities in the state.



SECTION 5

CONVERSION AND TRANSFER OF A STATE TRANSPORTATION FACILITY

ELIGIBLE TRANSPORTATION FACILITIES

(Title 43, Texas Admin. Code, Section 26.41)

- A non-tolled segment of the state highway system
- A turnpike project on the state highway system
- A state-operated ferry service (*Transfer of a ferry located in a city of 5,000 or less must have approval from the city council.*)

CONVERSION AND TRANSFER PROCESS

STEP 1: SUBMIT REQUEST

(Title 43, Texas Admin. Code, Section 26.41)

RMA submits written request to the transportation commission. The request must include:

- Impact on regional mobility
- Description of known environmental, social, economic or cultural impacts
- Description of known opposition to the conversion/transfer, including names and addresses of individuals and organizations that are opposed
- Description of known controversies related to the conversion/transfer
- Studies related to the conversion/transfer
- Agreement to obtain environmental permits and fulfill commitments

STEP 2: PUBLIC HEARING

(Title 43, Texas Admin. Code, Section 26.42)

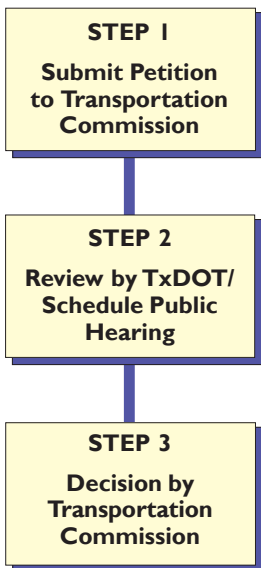
If the transportation commission determines it is important to the region's overall plan to improve mobility, TxDOT will:

- Hold one or more public hearings in the county where the facility is located
- Hold one or more informal public meetings, preferably in the project area
- Solicit written comments
- Publish hearing/meeting notices, at least ten days in advance

Public Notices

To solicit comments regarding an RMA's request to convert/transfer a state highway, turnpike or ferry, TxDOT will:

- Publish a notice in the Texas Register, TxDOT and RMA websites, and in newspapers where the facility is located, including each county of the RMA.
- Make available for public review the RMA request and any studies related to the conversion/transfer. If practical, this information will be posted on the TxDOT and RMA websites.



STEP 3: DECISION BY THE TEXAS TRANSPORTATION COMMISSION

(Title 43, Texas Admin. Code, Section 26.43)

Request for conversion/transfer by an RMA will be posted on a transportation commission meeting agenda for formal action. Approval by the commission is conditioned on approval of the governor. After considering public input, the transportation commission will approve the transfer if:

- Conversion/transfer provides a direct benefit to the traveling public
- RMA agrees to assume responsibility for maintenance and operation
- RMA agrees to comply with all applicable federal regulations and policies
- RMA assumes responsibility for environmental permitting and related commitments
- RMA has adopted rules and guidelines for approving the transfer

Conversion of a Non-Tolled Highway

For conversion/transfer of a non-tolled highway, the transportation commission will also consider the availability of a reasonable, non-tolled alternate route. To determine a reasonable, non-tolled alternate route, the commission will take into account the impacts on nearby neighborhoods and the length of the alternate route.



Conditional Approval

(Title 43, Texas Admin. Code, Section 26.44)

- The transportation commission may choose to give conditional approval of a conversion/transfer pending completion of preliminary studies needed to make a decision. Preliminary studies may focus on social, economic and environmental issues, as well as a traffic and revenue forecast.
- After completion of preliminary studies, the department will follow the steps outlined in **Step 2: Public Hearing**.
- Final approval may be granted following consideration of the items listed in **Step 3: Decision by the Texas Transportation Commission**.

REIMBURSEMENT

(Title 43, Texas Admin. Code, Section 26.45)

The RMA will reimburse TxDOT for the cost of a transferred highway or ferry, unless the commission determines the transfer will result in a substantial benefit to the traveling public.

USE OF SURPLUS REVENUE

(Title 43, Texas Admin. Code, Section 26.46)

As a condition of the conversion, the transportation commission may require any surplus revenue generated to be used on projects in the region's metropolitan transportation plan or state transportation plan.

SECTION 6

PROJECT FINANCING

REVENUE BONDS

(Title 43, Texas Admin. Code, Sections 370.111, 370.113, 370.116)

- A regional mobility authority may issue tax-exempt revenue bonds for a term not to exceed 40 years. These bonds may be repaid from any financial source available to the authority. Bonds may not be repaid with revenue from a transportation project that is not part of the same transportation system for which the bonds were originally issued.
- The Texas Attorney General (or designee) must approve the bonds before they can become binding obligations.
- Bonds issued by an RMA do not constitute a debt of the state or of a governmental entity, or a pledge of the faith and credit of the state or of a governmental entity.

COMPREHENSIVE DEVELOPMENT AGREEMENT

(Transportation Code, Section 370.305, 370.306)

- A regional mobility authority may enter into a comprehensive development agreement (CDA) at a minimum, to design and construct a transportation project. It may also include financing, acquisition, maintenance and operation.
- To award a CDA, a competitive process must be followed that results in the selection of the best value for the regional mobility authority. An RMA is required to adopt rules and procedures governing the CDA procurement process.
- The ability to enter into these agreements expires August 31, 2011.

RMA FEASIBILITY FUND

(Transportation Code, Section 370.071 – 370.073)



- A feasibility fund can be established by an RMA with surplus revenue from a transportation project.
- The fund may be used to study potential transportation projects, develop preliminary engineering plans, assess a project's toll viability, or payment for costs associated with a bond issuance. If feasibility funds are used to prepare and issue bonds, the fund must be reimbursed from bond proceeds or other revenue associated with the transportation project for which the bonds were issued.
- Feasibility studies may be paid for by other government entities or private groups, which may be reimbursed from proceeds or revenue generated from the transportation project.

STATE HIGHWAY FUNDS

(Title 43, Texas Admin. Code, Section 26.33)

If TxDOT provides federal or state funds for an RMA turnpike project, the development of the project must comply with TxDOT rules related to financial assistance for toll facilities.

SECTION 7

FINANCING FROM OTHER SOURCES

TEXAS DEPARTMENT OF TRANSPORTATION

- TxDOT may loan or grant funds to the RMA for the acquisition, construction, maintenance and operation of a turnpike project or related costs.
- If state highway funds are given in the form of a grant, repayment is not required. This is known as toll equity.
- TxDOT may assist in, or cover the costs of, financial or traffic and engineering feasibility studies for a turnpike project.
- Any funding participation by TxDOT in a turnpike project will follow the rules of financial assistance for toll facilities. (Title 43, Texas Admin. Code Sections 27.50-27.58)
- State highway funds and state general revenue funds may only be used for a toll facility. (Transportation Code, Section 370.033)

TEXAS MOBILITY FUND

- The Texas Mobility Fund, a funding source supported by transportation-related fees, allows the transportation commission to issue up to \$3 billion in bonds.
- Bonds issued under the Texas Mobility Fund may be used to finance construction or improvements to state highways, publicly owned toll roads and other public transportation projects.
- Projects financed by the Texas Mobility Fund are selected at the discretion of the transportation commission.

STATE INFRASTRUCTURE BANK

- The State Infrastructure Bank (SIB) is open to any public or private entity authorized to construct, maintain or finance a highway project.
- Eligible projects are typically on the state highway system and included in the Statewide Transportation Improvement Plan. However, there are some exceptions to the eligibility rule.
- The SIB program is administered by TxDOT. An applicant handbook is located on the Internet. (<http://www.dot.state.tx.us/moneymatters/sibtoc.htm>)

FEDERAL FUNDS

- RMA turnpike projects using federal funds provided by TxDOT must comply with rules related to financial assistance for toll facilities.
(Title 43, Texas Admin. Code Sections 27.50-27.58)
- Applications for federal highway or rail funds must be approved by TxDOT.
(Transportation Code, Section 370.033)



SECTION 8

OPERATING PROVISIONS

SURPLUS REVENUE

(Title 43, Texas Admin. Code, Section 26.2)

Surplus revenue is defined as revenues that exceed:

- Debt service and coverage requirements of a bond indenture
- Operation, maintenance, expansion, repair and improvement costs
- Allocation for feasibility studies
- Necessary reserve funds

USES FOR SURPLUS REVENUE

(Title 43, Texas Admin. Code, Section 26.53)

Each year, if an RMA determines it has surplus revenue from transportation projects, it may:

- Reduce tolls
- Deposit in the Texas Mobility Fund
- Develop or extend a transportation project, tolled or non-tolled, by:
 - Constructing a transportation project in a county of the RMA
 - Assisting in financing a project of another governmental entity
 - Constructing a project and transferring it to another governmental entity, with approval of the transportation commission

CONSTRUCTING RMA PROJECT WITH SURPLUS REVENUE

(Title 43, Texas Admin. Code, Section 26.53)

With surplus revenue, an RMA may construct a tolled or non-tolled project and transfer it to another governmental entity, with approval of the transportation commission.

Approval Criteria

The transportation commission will consider the following:

- Anticipated reduction in traffic congestion
- Potential social, environmental and economic impact
- Project inclusion in local and state transportation plans
- Impact to state highway funds (i.e., reduce state contributions in the project)



CONTRACTS BETWEEN RMA AND MEXICO

(Title 43, Texas Admin. Code, Section 26.55)

The transportation commission must authorize the RMA to enter into a contract with Mexico. The RMA must provide:

- Summary and purpose of the agreement
- List of responsibilities and duties of each party
- Description of local, state or federal funds to be spent in Mexico
- Description of work to be done by RMA or its contractors in Mexico

WRITTEN REPORTS SUBMITTED TO TXDOT

(Title 43, Texas Admin. Code, Section 26.61)

Each year, an RMA is required to submit to TxDOT various investment and financial reports. Generally, these reports must be submitted within 90 days of the beginning of the fiscal year (September 1) or upon approval by an independent auditor. Annual audit reports are also required and must be submitted within 120 days of the ending of the fiscal year (August 31).

Types of Reports

- Annual operating and capital budgets
- Notices of material events to be disclosed under the U.S. Securities and Exchange Commission
- Surplus revenue and summary of how it will be used
- Investment reports reviewed by independent auditor
- Annual audit

Submission Dates for Reports

- Before submission to TxDOT, all reports must be approved by the RMA board.
- All reports must be submitted to TxDOT's executive director (or designee) within 90 days of the beginning of the fiscal year or upon approval of independent auditor's review.
- Annual audit must be submitted within 120 days of the end of the fiscal year.



APPENDIX A

ORGANIZATIONAL ACTIVITIES IN FORMING AN RMA

This is intended as an overview of organizational activities that may need action by a county or RMA. This summary is based on development of other RMAs, turnpike projects, statutory requirement and TxDOT rules.

FORMATION

- County commissioners court authorizes preparation of RMA petition.
- County commissioners court adopts resolution supporting RMA formation and authorizes submitting the petition and resolution to TxDOT.
- County and local supporters submit to TxDOT resolutions of support from metropolitan planning organization and other “affected” governmental entities.
- TxDOT reviews petition.
- If complete, county staff/consultants and TxDOT develop a public outreach plan.
- TxDOT conducts one or more public hearings to receive public input (consistent with outreach plan).
- Texas Transportation Commission takes action on petition. If RMA formation is approved, the commission will adopt minute order designating size of RMA board of directors and will identify candidate project.
- County commissioners court adopts resolution accepting minute order and forming RMA.

ORGANIZATION

- County commissioners court appoints board of directors (staggered 6-year terms).
- Governor appoints chair of the board of directors.
- RMA board convenes organizational meeting.
- RMA board begins process of developing and adopting policies, including:
 - Bylaws
 - Procurement policies (covering traditional goods and services; receipt and processing of unsolicited proposals, and administration of comprehensive development agreement (CDA) procurement process)
 - Environmental review policies (to conduct environmental reviews of non-NEPA projects)
 - Conflict of interest policy
 - Transfer and conversion rules and policies
 - Business Opportunity Program and Policy (regarding DBE/HUB utilization)
 - Employee drug and alcohol testing policy
 - Rules for use of authority transportation projects (establishing tolls, user fees, speed and weight limits, etc.)
- RMA board begins process of hiring staff/consultants, such as:
 - Executive director
 - General engineering consultant
 - Legal counsel
 - Financial advisor

- Accountant
 - Investment banker/underwriters
 - Bond counsel
 - CPA/auditors
 - Trustee for bond indenture
-
- Authorize opening of bank account(s).
 - Secure surety bonds for directors and liability insurance coverage.
 - Authorize preparation and submission of toll equity grant request.

Note

The timing and sequence of the adoption of various policies and the hiring of certain personnel will depend on the project development activities of the RMA. For example, the hiring of a general engineering consultant and legal counsel may be necessary in the early organizational stages to secure advice concerning public meetings, project studies and related items, whereas bond counsel and underwriters may be deferred until a project is closer to fruition. Similarly, bylaws and procurement policies are important to adopt early in the organizational process, whereas policies concerning speed limits and toll rates can be deferred until a project is closer to the development phase.

APPENDIX B

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APPENDIX C

LIST OF REFERENCE DOCUMENTS

House Bill 3588 (78th Legislature, Regular Session)

Article 2 – Regional Mobility Authorities (Codified as Chapter 370, Transportation Code)

Texas Administrative Code (Title 43, Part I, Chapter 26 – Regional Mobility Authorities)

Texas Administrative Code (Title 43, Part I, Chapter 27 – Toll Projects)

State Infrastructure Bank Program

A handbook is available at www.dot.state.tx.us/moneymatters/moneymatters

For more information contact: TxDOT's Finance Division at 512-463-8684.

Toll Feasibility Analysis Guide

A brochure is available at <http://www.dot.state.tx.us/tta/default.htm>

For more information contact TxDOT's Texas Turnpike Authority Division at 512-936-0903.



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