



## The State of Texas

December 11, 2013

Mr. Fred Underwood  
Commissioner, Texas Transportation Commission  
Dewitt C. Greer State Highway Building  
125 E. 11th St.  
Austin, TX 78701-2483

Dear Commissioner Underwood,

We greatly appreciate the effort put forth by the Texas Department of Transportation to implement rules for counties to obtain grants for road maintenance and repair under SB 1747. As you well know, the Transportation Infrastructure Fund established by the bill represents a historic opportunity for counties to leverage state resources to help them address transportation infrastructure needs.

Over the last six months TxDOT has worked to develop the rules, framework, and application process for the grant program. For this we are grateful. However, this process experienced delays from its original timeline that will make it extremely difficult for counties to apply before the existing prescribed deadline. Given the importance of this program to our counties, we respectfully urge an extension of the February application deadline.

SB 1747 requires a participating county to establish a County Energy Transportation Reinvestment Zone with an advisory board, complete a road report, and have the required matching funds. The Legislature did not intend, as the agency's current rules require, for a county to complete these tasks prior to submitting an application. Rather, the intent was for counties to complete these items only prior to receiving their grant funding.

Proceeding with TxDOT's rules under the existing timeline will change and accelerate the dynamics for counties wishing to pursue a grant. Further complicating matters is that TxDOT did not distribute to counties the potential grant allocation that each would receive until Nov. 27. This information is necessary to help determine if the effort and limited county resources should be leveraged to seek grant funding. With the existing grant application window of just one week — Feb. 7 to Feb. 14, 2014 — counties have little time to meet the grant criteria.

Therefore, we ask that TxDOT postpone the grant application period for one month — from March 7 to March 14, 2014. This short extension will allow counties more time to properly conduct their assessments, establish their CETRZ, work with their local communities to put in place the necessary advisory board, and take other steps to ensure participation in this extraordinary opportunity. Our understanding is that this extension can be accomplished by a minute order at the upcoming Texas Transportation Commission hearing.

Lastly, there appears to be some confusion about the Legislature's intent regarding the distribution of grant funding associated with the Transportation Infrastructure Fund established by SB 1747 and the supplemental appropriation funding provided in HB 1025.

It was not the Legislature's intent for TxDOT to distribute all the grant program funds within the first biennium. HB 1025 simply stated that TxDOT was being appropriated \$225 million to be transferred to the TIF for the purposes of implementing SB1747 or similar legislation. HB 1025 further stated the transfer had to be completed within a two-year period beginning on the effective date of the act. It does not direct TxDOT to distribute all the funds before the end of the biennium.

The TIF was intended to be a long-term tool available to combat energy sector road degradation as funding allows. Had the Legislature intended for the fund to cease to exist after the biennium, specific language dissolving the fund would have been included in the legislation.

Again, we appreciate TxDOT's efforts at implementing SB 1747 and are committed to working with the agency to ensure that the grant program is a success. To that end, we believe that a one-month extension for counties to comply with the grant application process and a longer term for TIF distribution will help us accomplish that goal.

Thank you for your attention to this matter and for your service to Texas.

Sincerely

  
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Senator Carlos Uresti

  
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Senator Glenn Hegar

  
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Senator Kel Seliger


  
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Senator Wendy Davis

  
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Senator Donna Campbell

  
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Senator Judith Zaffirini

  
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Senator Leticia Van de Putte

  
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Senator Robert Duncan

  
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Representative Jim Keffer

  
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Representative Ryan Guillen

  
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Representative Poncho Nevarez

  
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Representative Myra Crownover