



House of Representatives
Committee on Transportation

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AUG 20 2001

OPINION COMMITTEE

August 15, 2001

RQ-0419-JC

The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

FILE # MC-42108-DT
I.D. # 42108

Dear General Cornyn:

The intent of this correspondence is to request an Attorney General's Opinion. During the 77th Session of the Legislature, Rider #63 in the Appropriation's Bill possibly created a general law that was not supported by the House Transportation Committee.

This particular rider has become the basis of an argument concerning the opening of a temporary inspection station for commercial vehicles in El Paso. Although there is overwhelming community support for the station and the Appropriations bill does not become effective until September 1, 2001, it has been inferred that the Department of Public Safety and the Texas Department of Transportation did not follow this new "law."

In an effort to clarify this issue, I request that your office render an opinion regarding the validity of the argument being used.

Sincerely,

Clyde Alexander
Chairman
House Transportation Committee

CA/cj



Cheryl Jourdan,
Committee Clerk

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of its apportioned funding. The department shall report to the Governor and the Legislative Budget Board the status of attaining this goal no later than December 1, 2002.

#1

60. **Tourist Information Center.** From funds appropriated above, the Texas Department of Transportation shall allocate \$100,000 each year of the biennium for the establishment of a tourist information center in the Rio Grande Valley contingent on the donation of property and a facility by a local municipality. The tourist information center must be located on a major highway.
61. **Commuter Rail Feasibility Study.** The Texas Department of Transportation shall conduct a feasibility study for a commuter rail along US 90A and the proposed connection with the Metropolitan Transit Authority of Harris County's proposed light rail mass transit system in the city of Houston. The study shall focus on the economic, financial, and transportation impact of commuter rail service on the cities of Houston, Missouri City, Stafford, Sugar Land, Richmond, and Rosenberg. The Texas Department of Transportation shall contribute an amount not to exceed \$175,000 for contracting with the Metropolitan Transit Authority, Harris County, and the cities included in the study to share the cost of the study.
62. **Railroad Infrastructure.** From funds appropriated above, the Texas Department of Transportation shall allocate \$300,000 for the purchase of abandoned railroad right-of-way within and adjoining the Northeast Texas Rural Rail District.
63. **Border Inspection Facilities.** It is the intent of the Legislature that before funds are expended for the purpose of building a co-located facility which would serve as a commercial motor vehicle inspection facility, border inspection station, or a centralized border inspection station that the department sign an agreement with the governing board of the municipality in which the facility is to be located which states that the location, plans, and implementation strategy for the proposed facility are acceptable to all parties involved.
64. **Loan Guarantee.** Out of funds appropriated above, the department may guarantee a loan in an amount not to exceed \$1,700,000 to support upgrades to Amtrak passenger rail service between Dallas and Shreveport. Pursuant to Transportation Code Chapter 456, the department may enter into a loan agreement for this purpose and may require security for said loan guarantee.
65. **Causeway Construction.** Out of funds appropriated above in A.1.3. Strategy: Highway Construction, the department may allocate \$10 million for South Padre Causeway construction costs during the biennium.
66. **Reimbursement Revenue Appropriation.** The Texas Turnpike Authority shall pay the Texas Department of Transportation an interest rate of six percent per year on amounts advanced for toll projects received during the biennium.

In addition to amounts appropriated above, the Texas Department of Transportation is hereby appropriated all reimbursements (estimated to be \$90,000,000) and interest received from amounts advanced for toll projects as follows:

- a. The amounts in Strategy A.1.1, Plan/Design/Manage, are hereby increased by \$40,000,000 plus interest thereon.

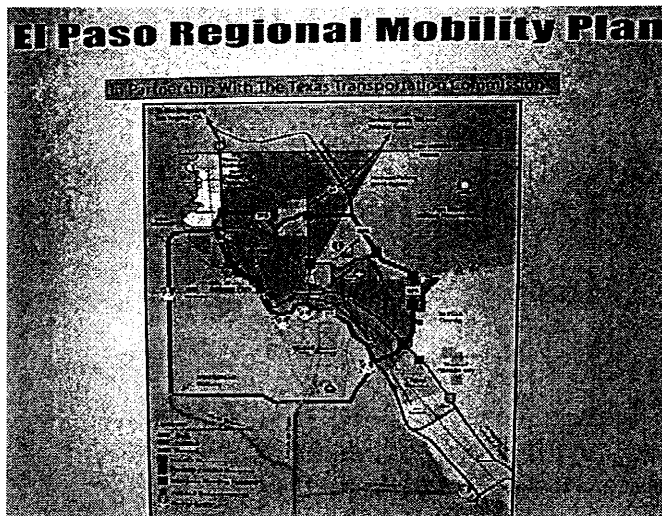


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Special Report: One-Stop Inspections



The El Paso Regional Mobility Plan is contingent on moving commercial vehicles onto Loop 375 and away from the inner city, where pollution is at its worse.

City must transition to one-stop inspections, not two-stop inspections

EL PASO - Trucks and trade have been in the news a lot. At the national level President Bush wants to open up the U.S. to Mexican trucks. Here locally the DPS inspection station opened last weeks at the Bridge of the Americas. So, the question this community must answer is, what are tucks inspections about and what should El Paso do?

By law, trucks in the United States must meet certain standards. Currently, DPS troopers, Sheriff's Deputies, Police Officers and U.S. DOT inspectors can stop any truck to inspect it for safety violations. The issue is do we let all these agencies do the same Level 1 and Level 2 inspections at our very crowded and complex border bridges.

Last October, Senator Eliot Shapleigh hosted a regional

infrastructure conference, attended by both U.S. and Mexican officials. The conference was to identify key border installations and to come to a consensus about where we are going. The consensus was to route heavy commercial truck traffic to the loops and remove them from the city's center.

This policy makes sense for a lot of reasons. First, it removes trucks from the crowded inner city of El Paso and Juarez. Secondly, it moves trucks to the freeways where they can quickly get to their destination. Third, it reduces congestion and more importantly pollution. The border bridge where almost 1,200 trucks cross daily is one of the biggest sources of air pollution in the El Paso-Juarez air share.

If we are to truly work on our quality of life we must address the border situation. What that means is that the Santa Teresa crossing on the West Side and the Ysleta crossing on the East Side will become the major truck inspection ports. Both of these are on the loop system being created between El Paso-Juarez.

Later on, an east bypass taking Chihuahua traffic through Fabens is planned. The idea is that Chihuahua trucks that do not need to go through El Paso go through Fabens and get on to I-10.

By law, the state legislature in a rider made DPS work with local cities in the planning of any inspection stations. The reason for this is obvious - increased inspections that may take up to 30 minutes at crowded border ports will add to pollution and congestion.

Therefore, the legislature created a law that requires DPS and TxDOT to negotiate with cities any plan for a DPS station. No plan, in conjunction with the city, was done for the DPS station that opened last week. In fact, DPS contacted no county wide regional official about its plans. Unless we actively participate in the decision making around "NAFTA local" issues we will hurt El Paso's and Juarez's quality of life.

For that reason, Senator Shapleigh contacted DPS immediately and is working to ensure that DPS, TxDOT and the City meet and do it right. [Click here to see the text of the letter send to DPS.](#)