



Project Status Report 5-4055-01-2

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Project 5-4055-01: Case Study Analysis of Urban/Rural Area
Toll Road Options

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Regional Mobility Authority: Creation to Implementation

Introduction

One of the purposes of this implementation project was to document the activities and issues leading to the possible implementation of a toll project on Loop 49 in Tyler, Texas. The Tyler District of the Texas Department of Transportation (TxDOT) received interest from several organizations about the purpose and function of a Regional Mobility Authority (RMA). This report documents the formation of the Northeast Texas Regional Mobility Authority (NET RMA) and the continued support it offers to Loop 49 as its primary project. This report provides details of the enabling legislation and the process of the formation, and offers some lessons learned.

Legislative Authority for the Creation of Regional Mobility Authorities

In 2001, the 78th Texas Legislature provided new mechanisms for funding and

implementing transportation projects. One of these mechanisms authorized the creation of RMAs. Subsequently, the voters of the state of Texas ratified the constitutional amendment allowing for the creation of RMAs. In 2003, House Bill 3588 created Chapter 370 of the Transportation Code dedicated to the rules and regulations of formation and operation of an RMA.

RMAs are political subdivisions created by counties; a single county may form an RMA, or one or more adjacent counties may jointly create an RMA. RMAs have the authority to finance, acquire, design, construct, operate, maintain, expand, or extend transportation projects. Establishing an RMA provides more local control over transportation planning and project development. RMAs also have the authority to issue bonds to finance projects. Bond financing means projects can be implemented sooner than with the standard funding process.

The NET RMA Formation Process

Smith County and Gregg County have worked cooperatively and successfully formed the NET RMA. Discussions of formation of an RMA between Smith and Gregg Counties began in November 2003. The county judges from both counties envisioned the NET RMA as a mechanism to speed project implementation.

The Turnpike Authority (TTA) division of TxDOT is charged with assisting TxDOT districts and others interested in forming an RMA. On June 24, 2004, Smith and Gregg Counties submitted an application to the Texas Transportation Commission. The application was accompanied by resolutions from each of the commissioners' courts supporting the effort (see Figure 1).

State law requires that public hearings be held to allow for community input regarding the formation of



an RMA. Meeting notices are published in the local newspaper(s) following a specific schedule. The notices are also published in the *Texas Register*. The meetings for the NET RMA were scheduled for September 7 and 8, 2004, in Smith County and Gregg County, respectively. The local newspapers published meeting notices, and additional articles informed readers of the opportunity for public input. The state's Office of General Counsel is responsible for publishing the official notices in the *Texas Register*; unfortunately, these notices did not get published in the *Texas Register* for unknown reasons. This inadvertent error was not discovered until September 7, the day of the Smith County public hearing.

It was decided that the hearings should be held as scheduled. Three other opportunities were also presented to the district from headquarters in an effort to address the public notification error. The three options included:

- recognize the oversight but proceed if there was no opposition,
- post a notice in the *Texas Register* indicating that a public hearing could be held if requested, or
- post official notice in the *Texas Register* and hold another public hearing.

The district, with input from TxDOT administration, decided that an additional third public hearing would be held in Smith County in conjunction with a scheduled public meeting specifically about Loop 49.



Figure 1. County Judges Signing RMA Petition.

Smith County Public Hearing

The Smith County public hearing began at 6:00 pm on September 7, 2004, at the Smith County courthouse. The audience was afforded the opportunity to begin signing in and looking at display boards at 5:30 pm. There were 25 to 30 people in attendance, including some elected officials.

Judge Becky Dempsey opened the public meeting with accolades to the community. The Tyler district engineer, Mary Owen, then addressed the audience and introduced Doug Woodall from the TxDOT TTA division. Mr. Woodall provided background information to the audience about the RMA formation process and outlined the anticipated actions of the commission. He also informed the audience of the omission of the public hearing notice in the *Texas Register* but indicated that the oversight would in no way impact the anticipated timeline and the Texas Transportation Commission's schedule to take action regarding

formation of the NET RMA at the October meeting.

Mr. Woodall highlighted some of the functions of an RMA and detailed the statutes that grant authority to an RMA. He reiterated that the purpose of this particular hearing was to solicit commentary on the formation of the Northeast Texas RMA rather than a particular project, although a potential RMA is required to bring forth a primary project in its petition for formation to the Texas Transportation Commission. Loop 49 in Tyler, Texas, has been identified in the petition as the primary project.

Mr. Woodall described how TTA will support both the district and an RMA in the project development process. TTA will provide the RMA with a toll feasibility study at no charge, but Mr. Woodall stressed that whether or not to toll a project is very much a local decision.

Mr. Woodall indicated that written comments would be received until 5:00 pm on September 20, 2004, and provided



Table 1. RMA Timeline.

Tasks	Time
Legislature authorizes creation of RMAs	January 2001
Discussion of Smith/Gregg Counties RMA begins	November 2003
RMA application to the Texas Transportation Commission	June 24, 2004
Public hearing for RMA formation in Smith County	September 7, 2004
Public hearing for RMA formation in Gregg County	September 8, 2004
Third public hearing for RMA formation/ first Loop 49 tolling public meeting	October 7, 2004
Texas Transportation Commission approves NET RMA application	October 28, 2004
Counties appoint NET RMA board members	February 2005
Governor appoints NET RMA board chair	March 2005

the address where the comments could be sent.

There were three speakers, each supportive of the formation of the NET RMA. The speakers included the mayor of Tyler, the chair-elect of the Tyler Chamber of Commerce, and a private citizen. Each indicated that the cooperative efforts of Smith and Gregg Counties will allow projects to be built sooner. They also acknowledged that the initial project, Loop 49, could become a toll road and indicated support.

Gregg County Public Hearing

The Gregg County public hearing was held on Wednesday, September 8, 2004, at the Gregg County courthouse. There were approximately 25 people in attendance. Judge Bill Stoudt provided opening remarks and introduced Mary Owen. Ms. Owen told the audience of the cooperative efforts of Smith County and Gregg County. She then introduced Doug Woodall. Mr. Woodall followed

the same format as was presented at the Smith County public hearing detailing the particulars of RMA formation, the role of TTA, the omission of the meeting notice in the *Texas Register*, and the options related to this. Mr. Woodall described tolling projects as a means of project acceleration. Mr. Woodall then opened the meeting to public comment.

There were six speakers at the Gregg County public hearing. Again, each was supportive of the formation of the NET RMA. Additionally, some speakers recognized and supported the development of Loop 49 as the initial project.

Third Public Hearing and Loop 49 Public Meeting

Because of the notification error, district staff and TTA took advantage of an already scheduled public meeting about Loop 49 to hold a third public hearing regarding the RMA formation on October 7, 2004. This proved not

to be the best approach. There was much confusion in the audience regarding the public hearing portion of the meeting versus the public meeting regarding Loop 49. Therefore, most of the comments focused on the Loop 49 project and the prospect of it becoming a toll road. A few comments related to the formation of the NET RMA, and all voiced support.

Outcome of the Hearings

Overall, comments from the audience in each of the hearings were very supportive. Everyone was pleased that the two counties are working together. This region sees itself as an example to other parts of the state. They are progressive and do not waste opportunities with the in-fighting that so often stifles other communities. As one person put it, “regional cohesiveness is the first step toward things to come.”

On October 28, 2004, the Texas Transportation Commission approved the petition for the NET RMA formation. In doing so, they cited the communities’ willingness to work together to help themselves and the overwhelming support of so many other entities in the area such as the chambers of commerce, the metropolitan planning organizations, economic development corporations, the smaller cities in the region, and many private business interests. Smith County and Gregg County each appointed three members to the board in February 2005, with one representing the interest of Tyler and one representing the interest of Longview. In March 2005, the governor appointed Jeff Austin III as the chair of the NET RMA.



Table 1 illustrates the timeline of events leading to the NET RMA formation.

Next Steps

The NET RMA has met to define its roles and responsibilities including drafting by-laws and adopting administrative policies. The NET RMA is working with the Tyler District to identify additional short-term and long-term projects to pursue. Table 2 illustrates the potential projects.

The board has established its vision and sees its role as that of bringing transportation projects to fruition sooner. Jeff Austin III, the board chairman, notes that the NET RMA is unique because this region has been able to do what others have not — that is, work cooperatively. He says the

Table 2. Potential RMA Projects.

Short-Term Projects	Long-Term Projects
<ul style="list-style-type: none"> • Loop 49 from SH 110 to I-20 • Lindale Relief Route • Widening of SH 42 between White Oak and Kilgore 	<ul style="list-style-type: none"> • Widening of SH 31 between Tyler and Kilgore • Continuation of Loop 49 east of SH 110 to Longview Outer Loop to form East Texas Hourglass • Connections to I-69 TTC • High-speed rail

partnership between Smith and Gregg Counties offers an example to other communities. The NET RMA will be able to deliver more transportation projects faster than traditional means. This makes the entire region more economically viable as a choice for new or expanded industry. It also makes the area more competitive with other parts of the state and even

other states in terms of attracting new business.

The board is currently working towards establishing subcommittees for planning efforts. The board is also actively seeking public participation in the transportation planning process. Additionally, other counties are actively participating, are supportive, and may join the NET RMA in the future.

Disclaimer

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