The Gulf Coast Resiliency District

A whitepaper on the purpose, structure, and plan
for Texas's first regional infrastructure resiliency district

Introduction

The Gulf Coast region represents over 25% of Texas's GDP and is home to 24 Fortune 500 corporate headquarters (3rd most in the United States).[1,2] While Harris County continues to be the region's economic engine, in recent years, population growth has shifted to the surrounding counties,[3] making the region more interconnected than ever. Massive transportation projects, like State Highway 99 (or, the "Grand Parkway"), traverse parts of seven counties. Flood risk management projects in the region routinely cross county lines to more effectively address regional flood risks.

The interconnectedness of the region calls for a unified regional approach to infrastructure development. But there is *no regional entity* specific to the Gulf Coast that has the authority to coordinate, fund, and manage flood risk reduction and transportation infrastructure projects on a regionwide basis. In the absence of a regional entity, Harris County Commissioners Court—acting through the Harris County Toll Road Authority, (or "HCTRA") and the Harris County Flood Control District (or "HCFCD")—leads the region's long-range infrastructure planning, resulting in project selections that are often in direct opposition to the priorities of both the state and surrounding counties.

The increasing bureaucracy of Harris County is further delaying implementation of critical infrastructure projects. Historically, HCTRA has partnered with TxDOT and the Federal Highway Administration on regional transportation projects.[4] But in recent years, Harris County has taken a different path. From siphoning off critical HCTRA funds that traditionally have been used to improve the region's roadways and instead funding hike and bike trails,[5] to suing TxDOT to halt $9.7 billion of investment in the I-45 North Houston Highway Improvement Project,[6] Harris County has hindered rather than helped add capacity to the region's roadways.

HCTRA has been a significant source of cash flow for the Harris County Commissioners Court. The nearly $200 million in annual transfers to the county mobility fund that were previously allocated to the four county precincts based on miles of county roads arenow being equally divided among all four precincts, greatly disadvantaging a precinct that represents ~50% of the county's unincorporated roadways. The current

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1 Approximated using the U.S. Bureau of Economic Analysis' 2021 estimate for the total GDP for the Houston-The Woodlands-Sugar Land, TX (MSA). *See* https://fred.stlouisfed.org/series/NGMP26420.

2 Greater Houston Partnership, Houston Facts, July 2022. *See* https://www.houston.org/sites/default/files/2022-09/houston%20facts%202022_Digital_0.pdf.

3 Greater Houston Partnership, Harris County & Metro Houston Economic Overview, Nov. 2022

4 Harris County Toll Road Authority FY 2022 Financial Report

5 https://www.houstonchronicle.com/news/houston-texas/transportation/article/HCTRA-money-to-kick-start-miles-of-new-trails-17163606.php

6 https://ftp.txdot.gov/pub/txdot/commission/2022/0526/7c.pdf

Commissioners Court has even signaled a willingness to, in the future, adjust the allocation of mobility funds for precincts based on social criteria.[7]

Harris County Toll Road Authority Financial Summary	
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Source: HCTRA FY 2022 Financial Report

For the Gulf Coast region to maintain its economic competitiveness, the significant financial assets of the HCTRA must be used to invest in the region's roadways—increasing capacity and resiliency to the region so that people and goods can efficiently move throughout the region.

Even without further population growth, the Gulf Coast region's roadways lag the rest of the state. Of the 100 most congested roads in Texas, 33 are in the Gulf Coast region, and almost all of those 33 (including 5 of the top 10 most congested roads in the state) are within Harris County.[8] In the case of a hurricane, many of these congested roadways become evacuation routes. These roadways were unable to support an efficient evacuation back in 2005 during Hurricane Rita,[9]and since that period, there has only been population growth without a commensurate increase in roadway capacity, exacerbating an already strained roadway system

Large scale, watershed-based flood risk management projects are also integral to our region's ability to stay economically competitive and must be implemented efficiently and in collaboration with our roadway development and regional partners. Harris County Commissioners Court currently controls implementation of $2.5 billion in flood control bond funding, and with proper collaboration with state and federal partners, could double this funding to $5 . . However, in order to achieve the maximum benefit, these projects must be coordinated with our transportation improvements to increase their resiliency against flooding and other disasters.

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7 https://thetexan.news/jack-cagle-only-harris-county-commissioners-court-incumbent-to-debate-opponent-so-far/

8 https://www.houstonchronicle.com/news/houston-texas/transportation/article/100-most-congested-roads-in-texas-17604426.php

9 https://www.nytimes.com/2005/09/23/us/nationalspecial/miles-of-traffic-as-texans-heed-order-to-leave.html

This white paper proposes the creation of a special district to meet the region's infrastructure and resiliency needs. The Gulf Coast Resiliency District (the "Resiliency District") would provide:

1. ***Transportation***. The Resiliency District would assume primary responsibility for toll projects throughout the region. Initially, this would involve consolidating development, operations, and maintenance for all public toll roads within the region. Toll road revenue would be devoted first to toll road development and maintenance, with surplus funding being distributed back to counties and cities within the Resiliency District. Surplus funds could be used for transportation projects—both toll projects and otherwise—or for flood control projects connected to the existing and future transportation network.

2. ***Flood Control***. The Resiliency District would assume responsibility for regional planning and development of watershed-based flood control, and stormwater management. Projects would be carried out with the Resiliency District's regional scope and purpose in mind. The Resiliency District would replace the largest flood control district in the area and assist other counties in the watershed to create, manage, fund, and maintain their own flood control districts and/or projects. The Resiliency District would also have the responsibility of coordinating riverine flood risk reduction actions and projects with the Gulf Coast Protection District in furtherance of that District's storm surge work. Adjacent counties could also choose to delegate their flood control role (and related taxes) to the Resiliency District, leveraging the Resiliency District's expertise without incurring the burden and overhead of maintaining their own drainage engineering teams.

3. ***Federal Funding***. The Resiliency District would be a designated recipient for federal and state grant funding for transportation and flood risk management projects, providing another avenue for the region to secure state and federal infrastructure funding. It would apply for, receive, and equitably administer grant funding for projects within its region, opening up federal and state funding opportunities for projects in member counties that currently do not apply or otherwise would not be eligible individually.

4. ***Regional Governance***. The governing body of the Resiliency District would be appointed by the Governor, with nominations coming from member counties on a standing basis (for Harris and Montgomery counties) and on a rotating basis for other counties. The Governor would additionally have the authority to appoint board members representing ports, industry, and other stakeholder groups.

5. ***Resiliency Coordination***. With its regional scope and legislative resiliency purpose, the Resiliency District would coordinate a consistent, coherent approach to flood risk management and transportation among member counties. Any adjacent county would have the opportunity to opt into membership in the Resiliency District.

I. Why "Resiliency"?

A. The urgent need for an effective resiliency model.

In 2021, the federal government—for the first time—defined the term "resilience". Under the Infrastructure Investment & Jobs Act ("IIJA"), "resilience" means:

> [T]he ability to anticipate, prepare for, or adapt to conditions or withstand, respond to, or recover rapidly from disruptions, including the ability—to resist hazards or withstand impacts from weather events and natural disasters; or to reduce the magnitude or duration of impacts of a disruptive weather event or natural disaster on a project; and to have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to weather events or other natural disasters.[10]

Put another way: resilience considers a region's capability to (1) minimize, prevent and protect against threats from natural disasters or other incidents, and (2) reconstitute and rehabilitate critical infrastructure expediently if such a disaster does occur. Resilient infrastructure is better able to withstand and more quickly recover from weather events and natural disasters.

Now, more than ever, unprecedented, extreme weather events call for a sustainable model to build resiliency in Harris County and the surrounding region. Over the past decade, Southeast Texas has experienced eight flooding events,[11] resulting in dozens of deaths and costing the region hundreds of billions of dollars. Hurricane Harvey alone cost the region $125 billion, and in some instances the area's road infrastructure exacerbated these impacts.[12] As extreme rain events are projected to increase in coming decades, the number of properties in the region at substantial risk of flooding is poised to grow, and one in seven properties in the three-county area made up of Montgomery, Fort Bend, and Harris is projected to be at substantial risk of flooding by 2050.[13]

On top of flood risk management issues, traffic and transportation have consistently been among the most serious problems in the Houston area.[14] By 2035, the demand for vehicle travel over regional highways is expected to more than double, and the movement of goods may triple.[15] Despite this growth, there has been no corresponding increase in roadway capacity.

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10 23 U.S. Code § 101.

11 https://www.hcfcd.org/Portals/62/About/Flooding-History/history-timeline2022.pdf

12 https://www.theatlantic.com/technology/archive/2017/08/why-cities-flood/538251/

13 https://www.understandinghouston.org/blog/must-know-facts-about-natural-disasters-in-houston

14 https://rice.app.box.com/s/y9whl97dx7zc0d6gp0cm7ju7s06ek09w, Kinder Institute Houston Area Survey 2022.

15 Bridging our Communities, 2035. H-GAC Regional Transportation Plan 2035.

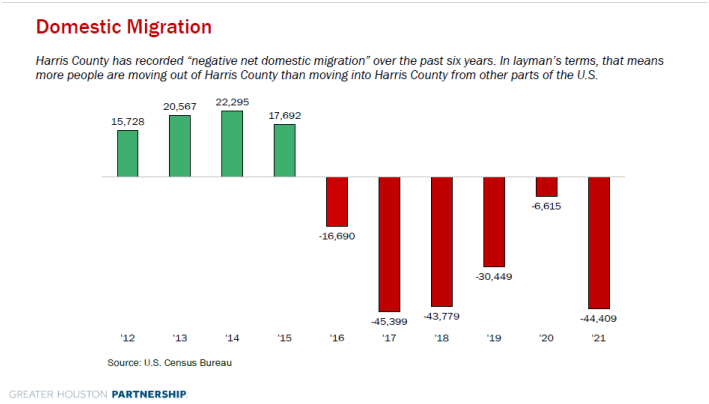
Further, the regional toll road system is fragmented. Various toll road projects are operated by counties, private operators, or the State of Texas. With an ever-increasing likelihood of service disruptions and damage to existing infrastructure due to severe weather events, coordinated investment and improvements in transportation resilience and increased capacity is critical.

Flooding and roadway transport are inextricably intertwined: flooding causes transportation disruptions by blocking roads and obstructing traffic;[16] and poorly planned roadway infrastructure increases flooding and its negative impacts.[17] Resiliency investment in existing infrastructure, and resiliency planning in future infrastructure projects, is critical. A Harris County Transportation Equity Study completed in 2021 estimates costs of approximately $7 billion necessary to address the stormwater detention mitigation gap for Harris County watersheds alone, due to the increase in impervious cover over the past decades that was not adequately mitigated based upon today's standards.[18]

Natural disasters don't observe county borders. Developing resilient infrastructure calls for a holistic view of how our regional infrastructure systems—particularly flood risk reduction projects and transportation projects—depend on one another. Lack of coordination in current infrastructure reveals its fundamental weaknesses: lack of shared resources, lack of integrated knowledge, and irregular communication result in a fragmented, costly, and ineffective framework. These systems are inherently interdependent. So too should be their planning.

B. Regional coordination.

Harris County is unquestionably the economic engine of the region. The bulk of the region's population lives in Harris County, and over 75% of the region's economic activity occurs inside Harris County.[19] However, population growth in Harris County has stalled or even declined since 2015, with negative net domestic migration over the past six years:



16 https://www.sciencedirect.com/science/article/pii/S1361920916308367

17 https://www.cmich.edu/news/details/how-climate-change-and-infrastructure-affect-flood-risk

18 Harris County Transportation Equity Study: Transportation Driven Detention Mitigation Study, prepared by Gauge Engineering and Asakura Robinson, May 2021.

19 Greater Houston Partnership, Harris County & Metro Houston Economic Overview, Nov. 2022

Population growth is trending the other way in surrounding regional counties.

County Growth Comparison

Over the past decade, seven of the eight outlying counties have grown at a faster pace than Harris County.

County	Population Estimates '11	'21	Change, '11 – '21 Pop.	%
Fort Bend	606,064	858,527	252,463	41.7
Montgomery	471,415	648,886	177,471	37.6
Chambers	35,699	48,865	13,166	36.9
Waller	44,101	59,781	15,680	35.6
Liberty	75,990	97,621	21,631	28.5
Galveston	295,605	355,062	59,457	20.1
Brazoria	319,147	379,689	60,542	19.0
Harris	4,179,568	4,728,030	548,462	13.1
Austin	28,604	30,380	1,776	6.2
Metro Houston	6,056,193	7,206,841	1,150,648	19.0

Source: Partnership calculations based on U.S. Census Bureau data

GREATER HOUSTON **PARTNERSHIP**

The data indicates a clear trend. People live outside of Harris County, but work in Harris County.

Harris County Share of Metro Houston GDP - 2020

Harris County accounts for over three-fourths of the region's economic activity.

County	$ Billions	% of Metro Total
Harris	383.7	78.6
Montgomery	31.6	6.5
Fort Bend	30.7	6.3
Brazoria	16.5	3.4
Galveston	16.4	3.4
Waller	3.0	0.6
Chambers	2.5	0.5
Liberty	2.3	0.5
Austin	1.5	0.3
Total	488.2	100.0

Source: Partnership calculations based U.S. Bureau of Economic Analysis data

GREATER HOUSTON **PARTNERSHIP**

County boundaries are increasingly irrelevant for purposes of regional transportation infrastructure and flood risk mitigation planning. Boundary lines do not capture the interconnectedness of the region.

C. A regional resiliency district as a proposed solution.

To address flood risks and transportation projects on a regional basis, we propose the creation by the Texas legislature of a new type of special district, to be called a "resiliency district."

The Resiliency District's territory would initially be contiguous with the Texas Water Development Board's Flood Planning Region 6, which coincides with the San Jacinto River watershed and includes Harris County, Montgomery County and portions of surrounding San Jacinto, Liberty, Chambers, Galveston, Brazoria, Fort Bend, Waller, Grimes, and Walker counties. Adjacent counties could be given the option to opt-in to the District.

A regional resiliency model should be favored over the existing piecemeal (or non-existent) approach to flood risk mitigation and transportation for several reasons.

First, a resiliency district allows for federal and state money to be directed to a single regional entity which can then assess and allocate to projects that would be most beneficial to the region. The resiliency district would also be able to apply for and receive federal and state funds on behalf of smaller counties in the region that might not have planning expertise or capacity to apply for or receive such funds themselves. This coordinated effort would also address the issue of entities within the district boundaries from competing with one another for grants, which saves time and money.

Second, a resiliency-based approach permits flood risk management and transportation projects to be planned and designed in unison from the very beginning, with an eye towards the overall health and resiliency, including increased transportation capacity, of the entire region. This approach would also increase the likelihood of grant awards, as federal grant criteria are increasingly awarding points for regional coordination and benefits.

Third, a resiliency district would have personnel and expertise available and on call for the region as a whole. The current approach, on the other hand, siloes subject-matter experts within a specific county or jurisdiction to those that can afford said expertise.

In short: the resiliency district is designed to meet the need for a regional entity focused on obtaining funding and coordinating resiliency projects on behalf of and between regional stakeholders. No entity currently fills this role. This lack of a coordinating entity is self-defeating and inefficient from a cost and staffing perspective; existing entities sometimes work at cross-purposes due to a lack of effective coordination.

II. District Structure

The Resiliency District's major components—flood risk management, transportation, applying for and distributing federal and state funds, regional governance, and resiliency coordination—will require legislative action to implement.

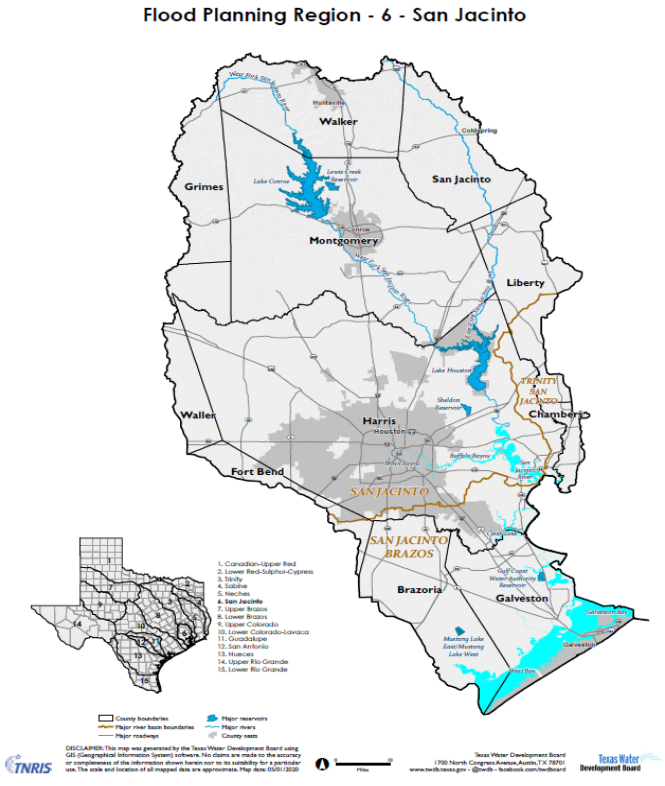
This section provides an executive overview of the contemplated legislative changes, along with some of the corresponding challenges and anticipated benefits and opportunities.

A. Flood Risk Management and Transportation Under One Regional Umbrella

Reducing flood risks in the Houston area is its "most pressing infrastructure need."[20] An essential component of the Resiliency District will therefore be its assuming control of the Harris County Flood Control District. This would be done through legislative action, changing the governing board of Harris County Flood Control from Harris County Commissioners Court to the governing board of the Resiliency District. No changes are proposed to the Harris County Flood Control District's taxing ability, its position as the non-federal sponsor with the Army Corps of Engineers, or its ability to partner with local municipalities to address flood risks on a micro-scale.

1. Flood Planning Region 6

The Texas Water Development Board's Flood Planning Region 6 for the San Jacinto River watershed is a natural territory for the Resiliency District. It is the second most populated flood planning region in the State, fully embracing the city of Houston, and all of Harris and Montgomery Counties.



[20] https://www.ttnews.com/articles/texas-officials-drafting-wish-list-potential-infrastructure-funding-windfall

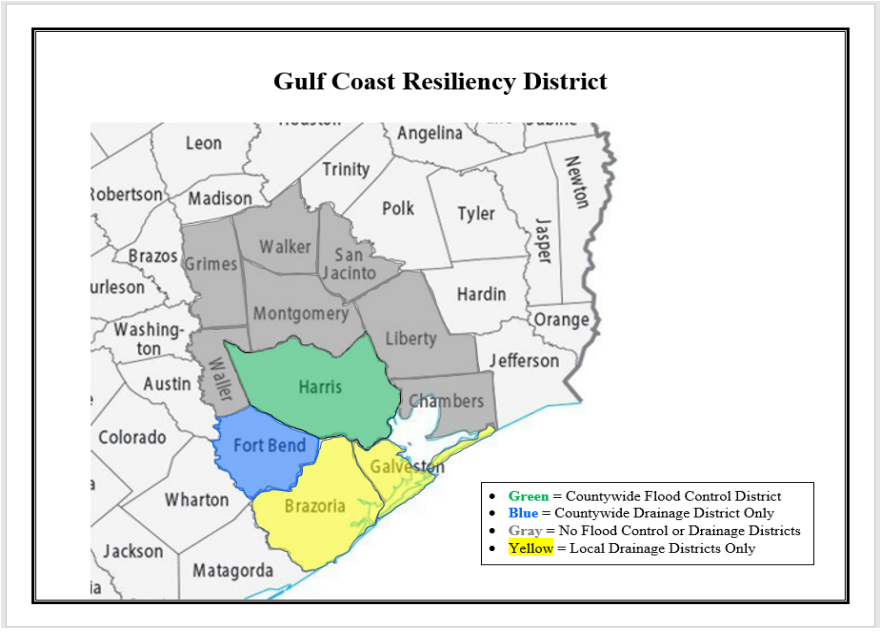
Region 6:

- Fully encompasses Harris County and its adjacent counties, which share an interest in and influence Harris County's existing flood risk reduction projects.
- Includes counties with residents who frequently travel into and out of Harris County and its adjacent counties.
- Includes coastal and port territory.

Despite its name, Flood Planning Region 6 has no regulatory or project implementation authority, no enforcement ability, and relies largely on others to develop project-specific flood risk reduction, planning, and project development.

2. Current Flood Control Entities in Region 6

Of the eleven counties in Flood Planning Region 6, only Harris County has a formal Flood Control district. Fort Bend County created the Fort Bend County Drainage District,[21] but its powers are more limited, with responsibility only for operation and maintenance of Fort Bend County's open channel system and authority to approve new developments. Fort Bend County has for several years expressed interest in creating a flood control district of its own, with a potential $3-$5 billion in capital projects to reduce flood risks. Montgomery, Waller, Grimes, Walker, San Jacinto, Liberty, and Chambers lack any form of flood control or drainage district. Legislation was passed in the 2019 session to give Liberty County the ability to create a flood control district, but it has yet to do so. Galveston and Brazoria Counties each have several smaller drainage districts that serve portions of their respective counties, but no countywide authority.



[21] Generally speaking, a drainage district's responsibilities are limited to maintenance and operations, whereas a flood control district will undertake capital projects and improvements in addition to maintenance.

The logical starting point for the Resiliency District is therefore the Harris County Flood Control District (or Flood Control). Flood Control is a governmental agency created by the Texas Legislature under the Texas Constitution in 1937. The Texas Legislature established its governing body as Harris County, but Flood Control is also charged with cooperating and contracting with any adjacent counties, agencies, or political subdivisions to accomplish its projects. Flood Control's original purpose was the "control, storing, preservation, and distribution of storm and flood waters."

Flood Control currently manages approximately $5 billion in projects within Harris County and the surrounding counties. Within the Gulf Coast region, Flood Control partners with Montgomery County, the San Jacinto River Authority, and the City of Houston for flood damage reduction plans and projects in the Spring Creek and San Jacinto River watersheds. It partners with Brazoria and Galveston Counties on the Clear Creek Federal Flood Damage Reduction Project, with Chambers County on the Cedar Bayou Watershed flood damage reduction program, and with Fort Bend County for the Buffalo Bayou and Tributaries Resiliency Study. Flood Control has also coordinated with Port Houston on purchase of a future wetland mitigation bank to be located on land that Flood Control purchased in Brazoria County, with the goal of mitigating wetland impacts arising from Port Houston's dredge work to widen and deepen the ship channel.

When Flood Control was created in the 1930s, Harris County's population was roughly 530,000 people.[22] The surrounding counties of Montgomery, San Jacinto, Liberty, Chambers, Galveston, Brazoria, Fort Bend, Waller, Grimes, and Walker totaled a population of 257,000, for a regional population of roughly 787,000.

Today, the region's population as of the 2020 census is approximately 7.2 million. And projections adopted by the Texas Water Development Board and the Texas Commission on Environmental Quality for the 2022 State Water Plan project[23] show that the region to be embraced by the Gulf Coast Resiliency District is projected to grow from over 8 million in 2030, to just shy of 9 million in 2040.

As the region has grown, Flood Control's powers have changed as well. The Texas Legislature originally empowered Flood Control to perform a number of functions relating to flood control, including buying and selling property, surveying and designing plans and projects, constructing flood control and drainage projects, and cooperating and contracting with federal and local governments with a focus on the U.S. Army Corps of Engineers.

3. Seamless Transfer of Flood Control Operations to Resiliency District

The goal of a wholesale rather than piecemeal transfer is to seamlessly move Flood Control's capital improvement program, bond program, maintenance, and operations to the new resiliency district with minimal disruption to personnel and projects. The

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22 https://www2.census.gov/library/publications/decennial/1950/pc-02/pc-2-43.pdf

23 https://www3.twdb.texas.gov/apps/reports/Projections/2022%20Reports/pop_county

purpose of this transfer is to allow more efficient flood risk management coordination between counties in the region, and assist with providing expertise and know-how to implement regional flood control projects.

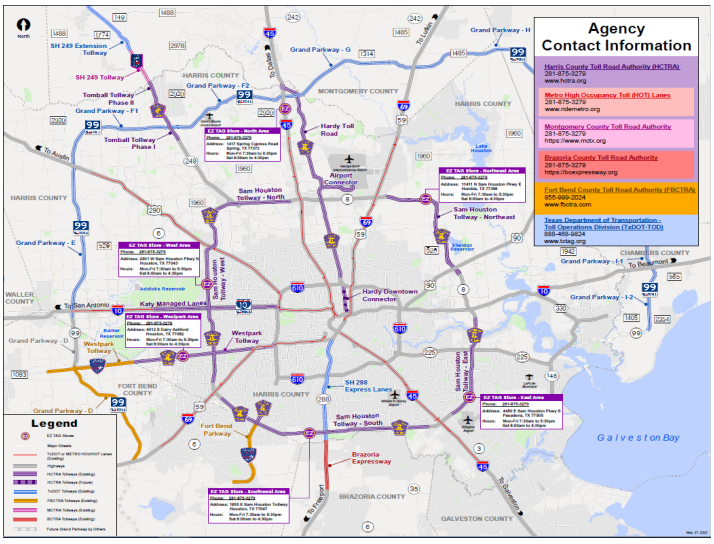
From its very beginning, the Harris County Flood Control District was empowered to cooperate and contract with adjacent counties to accomplish "any matter" within the scope of its enabling legislation. This cooperation will become even more central to the function of managing and reducing flood risks under the Resiliency District.

Flood Control has the authority to issue bonds and collect a property tax to pay the interest on those bonds, as well as create a sinking fund to retire the bonds at maturity while maintaining their drainage infrastructure and restoring it after major events. These taxes would continue to be levied only on property within Harris County. To fund flood management activities outside Harris County boundaries, the District would apply for state and federal funding and be able to use surplus toll road funds for transportation related flood control infrastructure as appropriate.

Moving Harris County Flood Control District functions to the Resiliency District has the additional benefit of inserting a politically neutral actor into a potentially partisan grant process. For example, the State of Texas's General Land Office ("GLO") and the City of Houston and Harris County have recently clashed over the allocation of several billion dollars-worth of federal Hurricane Harvey relief funds made available by the U.S. Housing and Urban Development Administration.[24]

4. Toll Road Operations

The Texas Department of Transportation (TxDOT) operates toll roads across Montgomery, Harris, Liberty, Chambers, Fort Bend, Brazoria, and Galveston counties through the Grand Parkway System.



[24] https://www.houstonpublicmedia.org/articles/news/politics/2021/06/11/400379/local-and-state-officials-will-hold-inquiry-regarding-lack-of-glo-flood-mitigation-funds/

The largest county-run toll road authority is the Harris County Toll Road Authority (HCTRA), which operates over 500 lane miles in a system of tollways 103 miles long throughout Houston and Harris County. The most significant of these corridors is the Sam Houston Tollway, an 88-mile loop around the City of Houston.

HCTRA is a creation of its time. The State of Texas was without funds to expand the planned freeway system. Harris County used its credit to guarantee, through property taxes and toll road revenue bonds to build a system of tollways serving Harris and the surrounding counties. The system became a financial success because system traffic and revenue is pooled to fund the system itself, rather than financing individual projects in the system piecemeal. Over time, the Harris County Commissioners Court has continued to incur debt in HCTRA's portfolio in order to expand roadways and maintain the existing toll road system. In recent years, the Harris County Commissioners Court has expanded the use of funds to include funding fund bike trails as well as flood control projects through the creation of the Harris County Flood Resiliency Trust.[25]

A critical component of Resiliency District operations would be assuming operational control of HCTRA projects, including operation and maintenance.

HCTRA's planned "major initiatives" are:

> "implementing a strategic plan to chart a roadmap for the future of the agency with three main areas of focus: a framework for resiliency and sustainability programming; the conversion of the County's toll road system to all-electronic tolling; and long-range capital planning which advances projects in line with Commissioners Court's overall vision for transportation to the County."[26]

These initiatives, to be further defined by Harris County Commissioners Court, are not guaranteed to be in line with the state or region's transportation goals.

HCTRA transferred over $250,000,000 to Harris County in 2022, on top of almost $550,000,000 in 2021.[27]

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25 https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-may-create-corporation-to-free-up-15569039.php

26 Harris County Toll Road Authority Enterprise Fund, Basic Financial Statements 2022.

27 *Id.*

Transfers Out (to HCTX Comm. Court)	**($254.0)**
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Source: HCTRA FY 2022 Financial Report

An entity is needed to ensure that these funds—which are contributed to by the ever-growing population of people who use the toll road to travel into Harris County from adjacent counties—are used to provide long range planning, project development, and implementation that is consistent with business growth and regional needs. Such needs have been underappreciated under HCTRA's current administration.

The Resiliency District would invest all funds derived from toll roads to regional infrastructure and resiliency projects. Specifically, these funds could be allocated to projects that would otherwise be stalled due to federal requirements or lax local policies in pushing these projects forward.

For example, in recent years, the region failed to spend over $50 million in Congestion Mitigation and Air Quality Improvement funds prior to those funds expiring.[28] And three regional projects—the IH 10 Inner Katy: I-610 to I-45 project, the SH 35: N. of University Drive to Belfort Street project, and the IH-610 West Express Lanes project—were essentially shelved when rejected for inclusion in H-GAC's Regional Transportation Plan. These projects, amounting to about $1.6 billion in total project costs, cannot be worked on by TxDOT unless and until those projects are included in the Regional Transportation Plan or are championed by a different entity.

The priority for the Resiliency District should remain the safety, operation, maintenance of and improvements to the toll road system. But the Resiliency District can also build on TxDOT's and HCTRA's history of leveraging their partnerships for the benefit of the whole region. HCTRA accelerated the completion of the TxDOT Katy Freeway construction project by an estimated eight years with toll road loans and financing. TxDOT, Houston METRO and tens of thousands of drivers in that corridor, as well as impacted area residents and businesses, all benefitted from that partnership.

The toll road system, under the Resiliency District umbrella, could be charged with becoming a leading partner in regional transportation funding, as we attempt to secure federal funds and leverage local resources. Under the direction of a diverse board with regional representation, the resiliency district could limit itself not just to the toll road but could meet the transportation and mobility needs of local communities and the state as a partner for connectivity through roadways, transit and roadway design, and increased public safety. And, in keeping with the Resiliency District's flood risk reduction focus, the related stormwater detention and drainage needed in improving roadway and transportation infrastructure resiliency would be made a part of the transportation plan from the very beginning.

[28] https://www.houstonchronicle.com/news/houston-texas/transportation/article/Delayed-projects-lax-oversight-cost-Houston-16476083.php

5. Legal Authority

The Texas Legislature has the authority to create special districts for any public purpose, unless the Texas Constitution otherwise prohibits it. *Shepperd v. San Jacinto Junior College Dist.*, 363 S.W.2d 742 (Tex. 1962). But special districts (like Texas counties) have only the powers (1) explicitly provided to them by state law and the Texas Constitution, or (2) implicitly necessary to accomplished their expressly granted powers. *Canales v. Laughlin*, 214 S.W.2d 451 (Tex. 1948); *Mills County v. Lampasas County*, 40 S.W. 403 (Tex. 1897). In other words, Flood Control can only do what it is legally authorized to do.

As a creation of the Texas Legislature, Flood Control's powers and authority may be changed by the Texas Legislature whenever it sees fit. Here, we do not propose that the Resiliency District's legislation expand the scope of Flood Control's legislatively granted authority, or that Flood Control's legislation itself be amended and expanded. Rather, Flood Control would be essentially untouched from a legal and operational standpoint, with the exception of its new governing board.

Similarly, the Harris County Toll Road Authority was created by Harris County Commissioners Court in 1983 as a toll road project under Chapter 284 of the Texas Transportation Code. The Transportation Code expressly contemplates that the State may, at will, declare any toll road project to be part of the state highway system, with the sole limitation that the project's existing contracts and bonds must not be affected unfavorably. Tex. Transp. Code 284.008(3).

III. Federal Funding

The federal government is a major source of funding both for the construction of highways (through, for example, the federal Highway Trust Fund and competitive grant programs for specific projects) and for flood risk mitigation (through, for example, the Flood Mitigation Assistance grant program administered by FEMA and the various authorities afforded through the Army Corps of Engineers). On top of these existing federal funding streams, the Infrastructure Investment and Jobs Act authorized:

- $3.5 billion in Flood Mitigation Assistance grants over five years, tripling the available amount of FMA grants for future flood mitigation
- $1 billion over five years for Building Resilient Infrastructure and Communities (BRIC) funds, intended for states and local communities' hazard mitigation projects
- $500 million to the Safeguarding Tomorrow Through Ongoing Risk Mitigation (STORM) Act, which authorizes FEMA to establish resolving loan funds for water, wastewater, infrastructure, disaster recovery, community, and small business development projects
- $350 billion for federal highway programs, most of which will be distributed to states

The Resiliency District would be a designated recipient for federal grants, allowing it to apply for and receive federal grant funds directly on behalf of its member counties. This arrangement would afford an opportunity for many of the dollars our region pays out to the federal government to be reinvested in our region on critical projects.

IV. Conclusion

The greater Harris County region is more interconnected than ever before. The existing patchwork of local jurisdictions makes coordination difficult and resiliency planning on a regional scale all but impossible in an era where constituents demand effective government. Resilient infrastructure projects must be executed efficiently, effectively, and in a regionally coordinated environment to maximize tax dollar benefits. The proposed Resiliency District meets this challenge with no measurable disruption to HCTRA and Harris County Flood Control District core functions, while significantly increasing the benefits realized by taxpayers, toll road users, and the business that are the backbone of our economy.