

SUBJECT: Increasing available methods to enforce Harris County area tolls

COMMITTEE: Transportation —favorable, without amendment

VOTE: 8 ayes — Krusee, Phillips, Callegari, Casteel, Deshotel, Flores, Hamric, Hill
0 nays
1 absent — West

WITNESSES: For — Amanda Jones, Harris County; Tracy T. Smith, Harris County Toll Road Authority
Against — None
On — James Harris, Linebarger Groggan Blair & Sampson

BACKGROUND: Ch. 284, subch. D of the Transportation Code, which applies to Harris and adjoining counties, provides tools for counties and/or county toll road authorities to use in enforcing tolls. After a toll violation, notice from the county, and failure to pay a charge within a specified time, a county may prohibit the operation of a particular vehicle on a certain toll road. After more than one violation of such an order and an administrative hearing, one of three enforcement tools can be used: placing a boot on an offending vehicle, fining the vehicle owner, or preventing the vehicle in question from being eligible for vehicle registration.

Cameras are set up at toll roads to videotape vehicles that pass through toll collection stations without paying. Counties then issue toll violations to those whose names appear on the titles of the vehicles.

DIGEST: HB 958 would increase the number of enforcement tools available for counties and county toll road authorities to use in collecting delinquent tolls by permitting the use of any or all three available methods, rather than just one, to enforce orders prohibiting the operation of a motor vehicle on a toll road. Authorities could place a boot on the vehicle in question, impose an additional fine, and refuse to allow registration of the vehicle.

The bill would take effect on September 1, 2005.

**SUPPORTERS
SAY:**

HB 958 would reduce administrative costs to the Harris County Toll Road Authority by allowing the implementation of three enforcement tools. Rather than appearing before the judge on separate instances to request different enforcement tools as violators continue to fail to pay their fines, counties would be able to request the implementation of all three measures at once.

Additional enforcement tolls are necessary for to effectively collect revenue from toll violators. The Harris County Toll Road Authority has reported difficulty collecting fees from owners of vehicles that pass through tolls without paying. Each year, Texas counties that operate toll roads issue many toll violations that can add up to millions of dollars in uncollected revenue for some larger counties. In 2004, Harris County Toll Road Authority issued about \$14 million in toll violations and was able to collect only about half this amount. The revenue from toll violations could help finance the maintenance and construction of toll roads.

**OPPONENTS
SAY:**

Drivers should not have to pay tolls when they already are paying for the construction and maintenance of roads through the 20-cents-per-gallon tax on gasoline. Allowing additional means of enforcement only would further burden taxpayers who already have paid their fair share for roads.

By presuming that the owner of the vehicle was the operator, toll violations unfairly target the individual to whom the offending vehicle is licensed. The law should recognize the driver of the offending vehicle as the one at fault for failing to pay the toll. The vehicle owner may not even have been aware of the toll violation.