

SUBJECT: Expanding participation in regional tollway authorities

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Pickett, Martinez, Y. Davis, Fletcher, Harless, Israel, McClendon, Murr, Paddie, Phillips, Simmons

1 nay — Burkett

WITNESSES: For — Kenny Howell, Johnson County; Michael Nowels, North Texas Tollway Authority; Terri Hall, Texas TURF, Texans for Toll-free Highways; (*Registered, but did not testify:* Mark Mendez, Tarrant County; Vic Suhm, Tarrant Regional Transportation Coalition)

Against — Don Dixon

On — (*Registered, but did not testify:* James Bass, Texas Department of Transportation)

BACKGROUND: Transportation Code, ch. 366 governs regional tollway authorities. Sec. 366.031 describes the formation of a regional tollway authority and the procedure by which a county can petition to join an authority. Subchapter B describes the powers and scope of regional tollway authorities, and Subchapter F details the governance of tollway authorities, including how board members are appointed.

DIGEST: HB 1394 would specify conditions under which certain counties that were outside a tollway authority but contained part of an authority's turnpike project would become part of the authority. This would occur on the date the authority determined that:

- toll collections at assessment facilities within the county accounted for at least 4 percent of tolls collected on all the authority's turnpike projects; and
- the county's population was at least 4 percent of the total population of the counties already in the authority.

The first time a regional tollway authority contracted to build a project in a county that was not part of the tolling authority, the bill would require the authority to establish an advisory committee to advise the tolling authority board on the project. The advisory committee would consist of:

- the tolling authority's governor-appointed director, who would chair the committee;
- an additional director appointed by the authority's presiding officer; and
- one member appointed by each commissioners court in a county outside the authority in which the project would be located.

County-appointed members of the advisory committee would not be directors of the regional tollway authority. The board of the tolling authority could make rules governing the operation and duties of the advisory committee.

The bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 1394 would describe the circumstances under which a county affected by a toll road project could become part of the toll road authority that built it. Construction and administration of toll roads affects not only people who live in the counties of a tollway authority but those in neighboring counties who use the toll roads. These counties should have their interests represented, whether through joining the regional tollway authority or — prior to meeting the population and toll-collection thresholds in the bill — gaining representation on a tollway advisory committee that would guide the authority in building its first project in the county.

**OPPONENTS
SAY:**

HB 1394 would expand the scope of tollway authorities and make toll roads even more entrenched in the Texas transportation system. Rather than participate in the governance of tollways, counties should use pass-through financing in their jurisdictions, in which a project developer pays the up-front cost of building a road in exchange for negotiated payments from the state after its completion based on the number of vehicles that drive on it.