

BILL ANALYSIS

Senate Research Center

H.B. 2921
By: Orr (Birdwell)
Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The North Texas Tollway Authority (NTTA) will soon open the Chisholm Trail toll road running from downtown Fort Worth to Cleburne in Johnson County. This will be the NTTA's first toll road not in one of the four member counties of NTTA (Collin, Dallas, Denton, and Tarrant Counties). This lack of membership in NTTA leaves the residents of Johnson County, unlike the residents of the other counties where NTTA has roads, without any representation or formal role in the management of NTTA. Since the residents of Johnson County will soon be paying more and more tolls, and therefore providing more and more revenue, to NTTA, and not just on the new Chisholm Trail but likely other roads in NTTA's system, the lack of representation in NTTA's governance creates a situation of taxation without representation.

H.B. 2921 creates a process for non-member counties with NTTA toll roads located in them to join NTTA and have a formal role in the governance of such roads.

H.B. 2921 amends current law relating to the composition and governance of a regional tollway authority.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of directors of an authority organized under this chapter in SECTION 2 (Section 366.0311, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 366.031, Transportation Code, by adding Subsection (e), to provide that a county that is not part of a regional tollway authority (authority) and in which an authority turnpike project is located becomes part of the authority on the date the authority determines that recorded electronic toll collections at toll assessment facilities located in the county are not less than four percent of all recorded electronic toll collections on all of the authority's turnpike projects and the population of the county is at least four percent of the aggregate population of all the counties of the authority.

SECTION 2. Amends Subchapter B, Chapter 366, Transportation Code, by adding Section 366.0311, as follows:

Sec. 366.0311. **ADVISORY BOARD FOR CERTAIN PROJECTS.** (a) Requires an authority to create an advisory board to advise the board of directors of an authority (board of directors) on matters related to projects located outside the authority.

(b) Provides that the advisory board is composed of:

- (1) the director appointed by the governor;
- (2) an additional director appointed by the presiding officer of the board of directors as the presiding officer deems appropriate; and

(3) one member from each county that is not part of the authority and in which a project is located appointed by the commissioners court of that county.

(c) Prohibits the board of directors from making a decision that is inconsistent with a recommendation of an advisory board unless the board of directors issues a statement in writing addressing the advisory board's recommendation.

(d) Provides that an advisory board member appointed under Subsection (b)(3) is not a director of the authority for the purposes of Section 366.251 (Board of Directors) or any other purpose.

(e) Authorizes the board of directors to adopt rules governing the operation and duties of an advisory board.

SECTION 3. Amends Section 366.161, Transportation Code, as follows:

Sec. 366.161. **TURNPIKE PROJECTS EXTENDING INTO OTHER COUNTIES.** Authorizes an authority to acquire, construct, operate, maintain, expand, or extend a turnpike project in:

(1) Makes no change to this subdivision; or

(2) subject to Section 366.031(e), a county in which the authority operates or is constructing a turnpike project if the turnpike project in the affected county is a continuation of the authority's turnpike project or system extending from an adjacent county.

SECTION 4. Amends Section 366.251(c), Transportation Code, as follows:

(c) Requires the commissioners courts of each county that created the authority under Section 366.031, in addition to directors appointed by a commissioners court under Subsection (b) (relating to requiring the commissioners court of each county of the authority to appoint one director to serve on the board), to appoint one additional director. Deletes existing text requiring the commissioners court of each county of the authority to appoint on a additional director if the county is a county that created the authority under Section 366.031 or a county in which all or part of a turnpike project of not less than 10 centerline miles in length is located and has been open for use by the traveling public for at least three years.

SECTION 5. Effective date: September 1, 2013.