

BILL ANALYSIS

Senate Research Center
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H.B. 1394
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Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties not party to regional tollway authorities may have projects of those authorities constructed in their counties. Many do not have representation in the governing bodies of the tollway authorities overseeing those projects.

Section 366.031 (Creation and Expansion of a Regional Tollway Authority), Transportation Code, currently allows counties to create a regional tollway authority if:

- One of the counties has population of no less than 300,000,
- Counties form a contiguous territory; and
- Unless one of the counties has a population of two million or more, the Texas Transportation Commission approves the creation.

Current law also allows a commissioners court to petition by resolution an established authority for inclusion in the authority if the county is contiguous to a county that initially created the authority.

H.B. 1394 provides that a county that is not part of an authority becomes part of that authority when tolls collect in that county account for at least four percent of all tolls on that project, and the population of that county is at least four percent of the population of all counties constituting that authority. For counties located outside of an authority, the authority must create an advisory committee comprised, in part, of one member from each county affected by the project.

H.B. 1394 amends current law relating to the composition, governance, and authority of a regional tollway authority that has or proposes to have projects located in counties that are not part of the authority.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the board of directors of a regional tollway authority 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), as follows:

(e) Provides 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:

(1) recorded electronic toll collections at toll assessment facilities located in the county account for not less than four percent of all recorded electronic toll collections on all of the authority's turnpike projects; and

(2) the population of the county is at least four percent of the aggregate population of all the counties of the authority, not including the county that will become part of the authority.

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

Sec. 366.0311. ADVISORY COMMITTEE FOR PROJECTS LOCATED OUTSIDE AUTHORITY. (a) Requires the authority, at the time an authority enters into a primary construction contract for its first project to be located in a county that is not part of the authority, to create an advisory committee to advise the board of directors of an authority (board) on matters related to projects located in counties that are not part of the authority.

(b) Requires that the advisory committee be composed of:

(1) the director of the authority appointed by the governor, who serves as the chair of the committee;

(2) an additional director of the authority appointed by the presiding officer of the board 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 proposed to be located, to be appointed by the commissioners court of that county at the time a primary construction contract for the project is entered into.

(c) Provides that an advisory committee 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.

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

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) a county that is a part of the authority; or

(2) subject to Sections 366.031(e) and 366.0311, 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) (requiring the commissioners court of each county of the authority to appoint one director to serve on the board), to appoint one additional director, rather than requires the commissioners courts of each county of the authority, in addition to directors appointed by a commissioners court under Subsection (b), to appoint one 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, 2015.