

## **BILL ANALYSIS**

C.S.H.B. 2921  
By: Orr  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert the need to provide a way for a county to become a member of a regional tollway authority when a project of an authority begins construction in that county. The parties look to the Chisholm Trail Parkway, scheduled to open in 2014 and which will connect downtown Fort Worth with Cleburne, the county seat of Johnson County, to emphasize such a need. Johnson County, in collaboration with the regional tollway authority, the North Texas Tollway Authority, has taken several steps to plan for the opening of the parkway, including engaging in discussions with regional and state transportation officials to facilitate planning and funding decisions, contacting the federal government to seek grant and loan support for authority projects, and directly acquiring and donating land and other resources for the construction of the parkway.

The North Texas Tollway Authority has official ownership of the Chisholm Trail Parkway project, and upon completion of the project, the authority will begin receiving revenue from the tollway, much of which will be paid by the residents of Johnson County. It has been suggested that, because county residents will be paying the tolls, the county should become part of the authority. C.S.H.B. 2921, among other matters, seeks to address these concerns by creating a process under which a county becomes part of a regional tollway authority.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2921 amends the Transportation Code to specify that a county that is not part of a regional tollway 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 that the population of the county is at least four percent of the aggregate population of all the counties of the authority.

C.S.H.B. 2921 requires an authority to create an advisory board to advise the board of directors of the authority on matters related to projects located outside the authority and specifies the composition of the advisory board. The bill 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. The bill specifies that an advisory board member is not a director of the authority for any purpose. The bill authorizes the board to adopt rules governing the operation and duties of an advisory board.

C.S.H.B. 2921 removes the condition that a county be one 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, in the alternative to a county that created the authority,

for the commissioners court of that county to be required to appoint an additional director to the authority's board of directors.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2921 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 366.031, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) A county that is not part of an authority and in which an authority turnpike project is located or is proposed to be located becomes part of the authority on the later of:

- (1) the date construction of the turnpike project begins in the county; or
- (2) September 1, 2013.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 366.031, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) A county that is not part of an 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 are 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.

SECTION 2. Subchapter B, Chapter 366, Transportation Code, is amended by adding Section 366.0311 to read as follows:

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

(b) 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) The board of directors may not make 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) An advisory board member appointed under Subsection (b)(3) is not a director of the authority for the purposes of Section 366.251 or any other purpose.

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

SECTION 2. Section 366.161, Transportation Code, is amended.

No equivalent provision.

SECTION 3. Same as introduced version.

SECTION 4. Section 366.251(c), Transportation Code, is amended to read as follows:

(c) In addition to directors appointed by a commissioners court under Subsection (b), the commissioners courts of each county that created the authority under Section 366.031 ~~[of the authority]~~ shall appoint one additional director ~~[if the county is:~~

~~(1) a county that created the authority under Section 366.031; or~~

~~(2) 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 3. This Act takes effect September 1, 2013.

SECTION 5. Same as introduced version.