

SUBJECT: Operation and management of the Texas Turnpike Authority

COMMITTEE: Transportation — committee substitute recommended

VOTE: 5 ayes — Alexander, Alonzo, Clemons, Price, Siebert

0 nays

4 absent — Bosse, Edwards, Moreno, Uher

SENATE VOTE: On final passage, April 18 — 31-0

WITNESSES: For — None

Against — None

On — Pete Davis, Texas Turnpike Authority

BACKGROUND: The Texas Turnpike Authority is authorized to construct and operate turnpike projects and to issue turnpike revenue bonds. Until 1991 the Texas Constitution prohibited use of state funds for any agency building toll facilities, but a 1991 amendment allows TTA to receive state funds, although any money received from the highway fund must be repaid.

The authority's statutory mandate is to facilitate vehicular traffic, promote agricultural and industrial development, assist in effecting traffic safety, provide for the construction of modern expressways, provide better connections between highways of the state of Texas and the highway system of adjoining states. The TTA operates such projects as the Dallas North Tollway, Mountain Creek Lake Bridge in Dallas County and the Houston Ship Channel Bridge in Harris County.

DIGEST: CSSB 1360 would allow the conversion of public highways to toll roads under certain conditions, allow use of video to establish non-payment of tolls, allow the use of state funds and other public funds for turnpike projects and make other changes in Texas Turnpike Authority operations.

The bill would create an exception to the prohibition against the Texas Turnpike Authority charging tolls on public highways by authorizing the Texas Transportation Commission to transfer a public highway to the authority as a turnpike project in order to accomplish needed enlargements, improvements or extensions to the public highway.

TxDOT could provide for the expenditure of money from any source for the cost of a turnpike project. If money from the state highway fund was spent, the fund would have to be repaid from tolls or other turnpike revenue.

If video or other recording showed evidence of nonpayment of a toll, on issuance of a proper notice the registered owner of the nonpaying vehicle would be legally bound to pay both the proper toll and an administrative fee of up to \$100. If the vehicle owner failed to pay the administrative fee within the time specified by the notice, the registered owner would be legally bound to pay a fine of up to \$250. Defenses would be established for cases of stolen and rented vehicles.

The bill would require that any vehicle that is not a police or emergency vehicle and is driven or towed through a toll collection facility, must pay the proper toll. The authority could use technology, including automatic vehicle and vehicle license tag identification photography and video surveillance to aid in collection. Recorded images produced using these devices could not be available to the public or used in any court.

The bill would add to the authority's mandate the provision of better connections between highways of the State of Texas and the highway system of adjoining states, including states of the United States and the United Mexican States, including cooperation between the states. The bill would let the authority enter into agreements with the United States and with any state in Mexico.

The bill also would:

- allow the board to hold an open or closed meeting by telephone conference call, subject to all current notice requirements and to requirements for public access, audible recording and written minutes;

- allow the authority to participate in and designate board members to serve as representatives on boards, commissions, or public bodies to promote the development of joint toll facilities in this state. A fee or expense associated with authority participation could be reimbursed from money in the TTA feasibility study fund;

Articles 1 and 2 of the bill make the same changes. Article 1 would amend existing statutes; Article 2 would amend the recodification of the Transportation Code in SB 971 by Cain, if it is enacted. SB 1360 would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSSB 1360 would update the statutes regulating the management and operation of the Texas Turnpike Authority. The bill would allow the authority to accomplish needed enlargements, improvements or extensions to existing public highways by converting them into turnpikes. Also, TxDOT could provide for the expenditure of money from any source for the cost of a turnpike project, and the authority would be obligated to repay the funds from tolls or other turnpike revenue.

Needed expansion and improvements to existing highways could occur under the authorization to use state funds to support turnpikes and the authorization to convert existing highways to toll roads if necessary to improve and extend them. The legislation would guarantee that any highway funds used for turnpike projects would be repaid with no loss of revenue to the state.

New technologies have been developed to assist the authority in the collection of tolls including automatic vehicle and vehicle tag identification photography and enhanced video imaging. All recorded images would be for the exclusive use of the authority and would not be subject to open records provisions.

The bill would allow the authority to prepare for implementation of NAFTA agreement. The bill provides for cooperative agreements to provide better connections with Mexico to facilitate the increasing motor vehicle and truck traffic.

OPPONENTS
SAY:

Allowing TxDOT to provide funds to the Texas Turnpike Authority would change the basis on which decisions are made to construct and establish toll roads and highways in the state. Currently, the authority must sell revenue bonds to finance the construction of a turnpike project. Those purchasing turnpike bonds can evaluate whether the project is worthy of construction and financially viable. Providing transportation fund money to the authority for turnpike projects would allow toll roads to be built that may not generate sufficient toll revenue to justify their construction, thereby providing a taxpayer subsidy. At the very least the bill should spell out details for repayment.

The provision allowing the transportation commission to authorize the conversion of a public highway into a toll road raises serious questions. A public road should remain public, and motorists should not be forced to foot the bill for improvements through payment of tolls.

OTHER
OPPONENTS
SAY:

Substantially fining the owner of a car on the basis of a photograph appearing to show that the driver (who may or may not be the owner) had not paid a toll would raise serious questions of governmental snooping into citizens lives.

NOTES:

The committee substantially revised and added to the Senate-passed version of the bill. The committee substitute would allow TxDOT to expend money from any source for a turnpike project and would require that any money used from the state highway fund must be repaid from tolls and other revenues. The substitute also would authorize acquisition of projects by the authority after hearings and approval by the governor and outlines the conditions under which local governments may enter into agreements for turnpike projects.

SB 971 by Cain, the nonsubstantive revision of statutes relating to transportation, has passed both houses and been sent to the governor.