

**SUBJECT:** Enlarging Transportation Commission and requiring regional members

**COMMITTEE:** Border and International Affairs — committee substitute recommended

**VOTE:** 5 ayes — Chavez, Canales, Castro, Merritt, Riddle

0 nays

1 absent — Griggs

**WITNESSES:** For — Larry Dovalina, City of Laredo; (*Registered, but did not testify:*)  
Veronica de Lafuente, Cameron County Judge's Office; Joe A. Garcia, City  
of McAllen; Deborah Kastrin, Texas Border Infrastructure Coalition

Against — (*Registered, but did not testify:*) Lawrence Olsen, Texas Good  
Roads Association

**BACKGROUND:** Transportation Code, ch. 201 governs the organization and membership of the Texas Transportation Commission (TTC), the policy-making body overseeing the Texas Department of Transportation (TxDOT). The governor appoints all three members and periodically designates one to preside as commissioner. Members serve staggered four-year terms; one term expires February 1 of each odd-numbered year. One member must live in a rural area.

**DIGEST:** CSHB 3294 would expand the TTC from three to five members and would require the governor to appoint members from different regions of the state. It would delete the requirement that one member live in a rural area. One or two members' terms would expire on February 1 of each odd-numbered year.

This bill would take effect September 1, 2003. The governor would have to appoint two additional members to the TTC "promptly" thereafter. One of their terms would expire February 1, 2007; the other, February 1, 2009. The bill's changes would apply only to members appointed on or after the effective date.

**SUPPORTERS SAY:** Regional representation as required by CSHB 3294 would enable the TTC to recognize and respond to unique problems and situations not present in every

part of the state. Texas is a large, diverse state whose regions have varied transportation needs and priorities. Over the years, some regions have received more attention and state resources than others. The North American Free Trade Agreement (NAFTA) has increased truck and other vehicular traffic dramatically throughout the state. A regional approach to transportation planning and spending makes sense to ensure that all regions of Texas are represented fully and all needs met.

The TTC's composition has been and continues to be weighted in favor of urban Texas. Since the TTC's inception in 1917, 48 percent of its 58 members (28) have been from either the Dallas-Fort Worth, Houston, or San Antonio metropolitan areas. Only two have lived along the Texas-Mexico border. Only one border-area resident has served since 1973, and that was to fill an unexpired term (the member subsequently was not appointed to a full term). It is necessary to enlarge the TTC to broaden its representation.

The border area in particular sorely needs equity in transportation spending. Cities in the Lower Rio Grande Valley are experiencing exponential increases in vehicular traffic to and from Mexico since NAFTA. About 80 percent of truck crossings into the United States occur in Texas. Although TxDOT and the Governor's Office have made progress in addressing border transportation issues, the region still is not getting its fair share of transportation dollars, particularly for highway construction and expansion.

Requiring regional representation would not be unprecedented. Such representation now is required on the governing bodies of river authorities and of some state colleges and universities.

A regional requirement would not be onerous or impractical. It should not be difficult for the governor to divide the state informally into five regions for purposes of making TTC appointments. Current law governing membership on most agency boards and commissions encourages the consideration of appointees by geographic distribution. The existing TTC statute does not define rural, which can have different meanings, but that stipulation has not interfered with providing rural representation on the TTC.

**OPPONENTS  
SAY:**

CSHB 3294 is unnecessary. In recent years, as traffic problems have grown, the TTC, TxDOT, and the governor have focused significant attention on the

Texas-Mexico border region and have channeled hundreds of millions of dollars to that area. Highway construction and other transportation needs are going begging statewide. Putting a member from a certain region on the TTC would not provide more money or projects for that region, because the TTC operates by consensus. Several regions and areas of the state have had few, if any, TTC members since its inception, but that does not mean they have been discriminated against or ignored.

The bill would be unfair, as it represents an attempt to gain a larger share of transportation projects for one region of the state through agency governance, rather than through TxDOT's selection process, based on population growth and increased traffic. By that rationale, Dallas-Fort Worth, San Antonio-Austin, and Houston should be represented officially on the TTC, because those areas contain the vast majority of the state's highway lane miles, vehicle-miles traveled, and traffic congestion.

TTC members must make transportation policy based on the best interests of the entire state, not on political or demographic considerations. Requiring geographic membership would move the TTC toward a single-member district governing structure that could foster factionalism and could allow areas with more clout to "game" the process.

The bill would not define a region, nor would it identify any regions, leaving nothing to go on but TxDOT's 25 engineering districts. It would provide no guidelines on what would constitute compliance, rendering it ambiguous and unenforceable, other than perhaps through the Senate confirmation process.

**OTHER  
OPPONENTS  
SAY:**

If the bill's goal is to require a member on the TTC to represent the Texas-Mexico border region, the bill should state that requirement.

The bill should preserve the requirement for a rural member to ensure balance on the TTC. Highways often are the lifeblood of rural communities, many of which are in dire economic straits. In the past, most TTC members have been from large cities.

Enlarging the board would aid in decision-making, but the two additional members should be at-large appointees rather than limited by region.

HB 3294  
House Research Organization  
page 4

NOTES:

As filed, HB 3294 would have required that one TTC member live in the Texas-Mexico border region as defined by Government Code, sec. 2056.002(e)(3). The committee substitute deleted the requirement that one member live in a rural area and specified that the bill would apply only to members appointed on or after the bill's effective date.

The companion bill, SB 409 by Lucio, passed the Senate on April 24 by voice vote (Armbrister, Bivins, and Staples recorded nay) and was reported favorably, without amendment, by the House Border and International Affairs Committee on April 30, making it eligible for consideration in lieu of CSHB 3294.