

SUBJECT: Increasing the population cap for subregional transportation authorities

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, Minjarez, Murr, Paddie, Phillips, Simmons

0 nays

1 absent — McClendon

SENATE VOTE: On final passage, May 8 — 31-0, on local and uncontested calendar

WITNESSES: (*On House companion bill, HB 3777*)
For — Kelly Allen Gray and Denis McElroy, City of Fort Worth;
(*Registered, but did not testify*: Jerry Valdez, City of Richland Hills;
Matthew Geske, Fort Worth Chamber of Commerce; Mark Mendez,
Tarrant County Commissioners Court; Vic Suhm, Tarrant Regional
Transportation Coalition)

Against — None

On — Nancy Amos, Fort Worth Transportation Authority; (*Registered,
but did not testify*: John Barton and Marc Williams, Texas Department of
Transportation)

BACKGROUND: Transportation Code, ch. 452, subch. N specifies the board membership and appointment process for transportation authorities in subregions with no city with a population greater than 800,000. Subchapter O specifies the board membership and contains additional provisions for transportation authorities in subregions with a principal city that has a population greater than 800,000.

Transportation Code, sec. 452.655 requires that an election to withdraw from a subregional transportation authority be held on the first regularly scheduled election day 12 months after the local government calls for an

election. Sec. 452.659 specifies that cities that withdraw from a subregional transportation authority are responsible for a share of the authority's outstanding debt obligations at the time of withdrawal and establishes how the financial obligation is determined.

DIGEST:

SB 1511 would change the description of subregional transportation authorities under Transportation Code, ch. 452, subch. N to specify that such an authority would have no municipality with a population of more than 1.1 million, instead of 800,000 as in current law. The bill would specify in references to these transportation authorities elsewhere in the Transportation Code that the 1.1 million population figure was based on the most recent decennial census. It also would make conforming changes in Tax Code, ch. 321 to reflect this new threshold.

In addition, the bill would expand the membership of the board of a subregion governed by Subchapter N from nine to 11 members. The principal municipality's governing body would appoint one of the new seats, and the county commissioners court would appoint the other, unless the principal municipality was not entirely located within one county. In that case, the county commissioners court would appoint both of the new seats.

The bill would change the population threshold for subregional transportation authorities under Transportation Code, ch. 452, subch. O — those with a principal city with a population of 800,000 or more — to specify that the city would have a population of 1.1 million or more.

The bill would add provisions related to a municipality with a population of less than 10,000 that withdraws from a subregional transportation authority. The provisions would specify that the transportation authority retained title to real estate holdings, apart from rights-of-way, in the withdrawn municipality. The bill also would amend provisions on how a withdrawn city determined its financial obligation to an authority.

This bill would take effect September 1, 2015. The provisions related to financial obligations of cities that withdraw from a subregional

transportation authority would expire August 31, 2016.

**SUPPORTERS
SAY:**

SB 1511 is needed to accommodate the growth of Fort Worth and allow its regional transportation authority to continue operating under the same statute. The U.S. Census Bureau estimated the population of Fort Worth in 2013 at about 793,000. The Fort Worth Transportation Authority is organized under Transportation Code, ch. 452, subch. N, which applies to subregions containing no city larger than 800,000 people. At its current rate of growth, Fort Worth may soon exceed that cap, if it has not already.

The bill also would give more flexibility to Fort Worth suburbs, such as Richland Hills, that may no longer wish to be part of the subregional transportation authority. The bill would ensure that Richland Hills could make a smooth exit from the authority, while allowing the transportation authority to keep the real estate assets it uses in that area.

The bill would add two more board seats to the subregional transportation authority's board, which could give minorities a greater opportunity to serve on the board.

**OPPONENTS
SAY:**

SB 1511 might address Fort Worth's numerical population growth, but not its population changes. Transportation Code, ch. 452, subch. O imposes requirements such as minority representation for the board of Dallas' subregional transportation authority (DART) and contracting with minority- and women-owned businesses, but subchapter N does not. These subchapter O requirements are intended to ensure that large cities have adequate minority representation, and it would be more appropriate to allow Fort Worth to grow into this category rather than changing the requirements for the municipality to fit within subchapter N. Legislation intended to address Fort Worth's growth into a big city also should acknowledge its diversity.

NOTES:

The House companion bill, HB 3777 by Collier, was finally passed by the House on May 13 and is scheduled for a public hearing today in the Senate Administration Committee. HB 3777 as engrossed would allow an authority governed by a subregional board under subchapter N to establish

a program designed to increase the participation of minority and women-owned businesses in contracts awarded by the authority. It also would require the voting members of a subregional board under subchapter N to appoint one or more state legislators who represent an area included in the authority to serve in non-voting advisory positions to the board without compensation.