

BILL ANALYSIS

C.S.H.B. 1208
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Funding constraints at all levels of government are making it more difficult to effectively address mobility concerns utilizing traditional means, such as construction of new roadways or adding capacity to existing facilities. This lack of adequate funding makes it necessary for the Texas Department of Transportation (TxDOT) to seek new and innovative solutions to satisfy transportation demand.

Mobility problems are most apparent in areas having high volumes of truck traffic, since trucks maneuver less effectively in heavy traffic and take longer to regain speed in slow traffic. Prohibiting trucks from the use of certain lanes and permitting only trucks to use other lanes could minimize truck-related slow downs.

High occupancy vehicle and toll lanes are another method by which TxDOT can maximize limited funding and maximize the use of its facilities. Subchapter F, Chapter 224, Transportation Code authorizes TxDOT to develop high occupancy vehicle lanes and toll lanes. High occupancy vehicle and toll lanes are effective in moving people by offering incentives such as substantial savings in travel time. High occupancy vehicle lanes may also improve overall roadway efficiency by moving people in fewer motor vehicles.

Allowing other entities to design, construct, operate, and maintain high occupancy vehicle and toll lanes on the state highway system will help leverage limited state funding and will facilitate the completion of these improvements in a timelier manner and at a reduced cost to TxDOT. TxDOT also lacks the resources to operate these facilities.

Municipalities, with the approval of TxDOT, are currently allowed to restrict by class of vehicle, through traffic to designated lanes of a state highway. These restricted lanes are intended to respond to increased truck volume on state roadways and to facilitate the interaction of large trucks with other classes of vehicles on these roadways. Unlike exclusive lanes, however, use of these restricted lanes is not limited to a specific class of vehicle.

The purpose of CSHB 1208 is to enhance the ability of TxDOT and the Texas Transportation Commission (commission) to finance, construct, maintain, and operate high occupancy vehicle lanes and toll lanes on the state highway system, and to maximize the efficient move of vehicles on state highways through the use of high occupancy vehicle and toll lanes and exclusive lanes.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 224.151(8), Transportation Code) of this bill.

ANALYSIS

SECTION 1. Defines "congestion mitigation," "high occupancy vehicle lane," "exclusive lane," "low-emissions vehicle," and "restricted lane."

SECTION 2. Updates a citation to federal law authorizing congestion mitigation facilities; includes safety as a purpose of developing congestion mitigation facilities; and clarifies that TxDOT may spend funds for

congestion mitigation projects and facilities.

SECTION 3. Authorizes TxDOT to finance, designate, design, construct, operate, or maintain high occupancy vehicle lanes without specific commission action; authorizes TxDOT to enter into an agreement with certain entities for the design, construction, operation, or maintenance of a high occupancy vehicle lane; and allows TxDOT to authorize motorcycles and low-emissions vehicles to use a high occupancy vehicle lane, regardless of the number of persons on the motorcycle or occupants in the vehicle.

SECTION 4. Authorizes TxDOT to enter into agreements with certain entities for the design, construction, operation, or maintenance of a toll lane, and to charge a toll for the use of such lanes; allows the commission to by order delegate to TxDOT or an entity contracted to operate a toll lane the ability to set the amount of toll charges; and makes conforming changes.

SECTION 5. Authorizes the commission to by order designate one or more lanes of a state highway facility as exclusive lanes; authorizes TxDOT to finance, design, construct, operate, or maintain one or more lanes of a state highway facility as exclusive lanes; and sets out conditions in which the commission may designate a lane as an exclusive lane.

SECTION 6. Provides that a restriction imposed on a restricted lane does not apply to a police or emergency vehicle; authorizes TxDOT and other entities contracted to operate a toll lane to erect and maintain necessary traffic control devices; sets out an offense for failure to comply with traffic control devices.

SECTION 7. Authorizes TxDOT's contracted entities to impose and collect a collection fee to recover the costs of collecting unpaid tolls; provides for written notice of non-payment to registered owners of non-paying vehicles; sets out an offense for non-payment; provide, as an exception to the liability of the registered owner of the nonpaying vehicle for the payment of unpaid tolls and collection fees, that the registered owner may provide to the entity operating the toll lane a copy of a lease agreement for the vehicle or certain documents evidencing a transfer of ownership of the vehicle, and that the entity operating a toll lane may send a notice of nonpayment to the lessee or transferee; authorizes an entity operating a toll lane to contract for the collection of an unpaid toll and collection fee; and provides that the court in which a person is convicted of an offense under this section shall also collect the proper toll and collection fee and forward the toll and fee to the entity operating the toll collection facility.

SECTION 8. Allows an entity operating a toll lane to offer the motor vehicle operator the option of using a transponder to pay tolls.

SECTION 9. Defines "commission" and "highway," and allows the commission to restrict, by class of vehicle, through traffic to two or more designated lanes of a highway; requires TxDOT to erect and maintain traffic control devices to enforce a restriction of the roadway.

SECTION 10. Effective date.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by revising the definition of "high occupancy vehicle lane" to remove mention of trucks and emergency vehicles (emergency vehicles are dealt with later on in the bill).

The substitute additionally differs from the original by revising the conditions under which the Texas Transportation Commission can designate exclusive lanes.

The substitute additionally differs from the original by deleting the requirement that a notice of nonpayment of a toll be sent to the registered owner no later than the 30th day after the alleged failure to pay.

The substitute additionally differs from the original by adding a new Section 224.156(i) to authorize an entity operating a toll lane to contract with a person to collect the unpaid toll and administrative fee before filing a complaint charging the commission of an offense under that section.

The substitute additionally differs from the original by changing Section 545.0651(b) (Section 9 of the bill) by requiring the Texas Transportation Commission to consult with a city prior to adopting designated lane restrictions within that city.