

## **BILL ANALYSIS**

Senate Research Center

S.B. 1463  
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Infrastructure Development and Security  
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Enrolled

### **DIGEST AND PURPOSE**

Funding constraints at all levels of government make it more difficult to address mobility concerns effectively with traditional means, making it necessary for the Texas Department of Transportation (TxDOT) to seek innovative solutions to satisfy transportation demands. Additional revenue from toll roads would allow TxDOT to fund needed state highway system improvements. S.B. 1463 establishes the process for the Texas Transportation Commission (TTC) to convey a nontoll highway, or a segment thereof, to a county for operation and maintenance as a toll facility. This bill authorizes toll revenue collected from state toll facilities to be earmarked for the state highway fund for TxDOT functions and air quality projects. S.B. 1463 applies only to a nontoll state highway, or a segment thereof, conveyed to creating an outer loop located primarily in a county with a population of more than 3 million.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 284.009, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 284, Transportation Code, by adding Section 284.009, as follows:

Sec. 284.009. CONVEYANCE OF STATE HIGHWAY TO COUNTY OR TOLL ROAD AUTHORITY. (a) Authorizes the Texas Transportation Commission (TTC) to convey a nontoll state highway or a segment of a nontoll state highway, including real property acquired to construct or operate the highway, to (i) a county or toll road authority in the county in which the state highway or segment is located, or (ii) a county or toll road authority in a county adjacent to the county in which the highway or segment is located if the county or toll road authority in the county in which the segment or highway is located approves the conveyance, for operation and maintenance as a project under this chapter in certain circumstances.

(b) Authorizes a county or toll road authority that receives a nontoll state highway or a segment of a nontoll state highway under Subsection (a) to own, operate, and maintain the highway as a pooled project under Section 284.065 (Pooled Projects).

(c) Requires TTC, at the time of a conveyance, to remove the highway or segment of highway from the state highway system. Provides that after a conveyance, the Texas Department of Transportation (TxDOT) has no liability, responsibility, or duty for the maintenance or operation of the highway or segment.

(d) Authorizes TTC to waive all or a portion of an amount due under Subsection (a)(2) if it finds that the conveyance will result in substantial net benefits to the state, TxDOT, and the traveling public, that equal or exceed the amount of payment waived.

(e) Requires TTC, before conveying a nontoll state highway or a segment of a nontoll state highway under this section, to conduct a public hearing to receive comments from interested persons concerning the proposed conveyance.

Requires a notice of the hearing to be published in the Texas Register and one or more newspapers of general circulation in any county in which the highway or segment is located.

(f) Authorizes a county or toll road authority to use toll revenue collected under this section to fund a transportation project or an air quality project.

(g) Requires TTC to adopt rules implementing this section, including criteria and guidelines for approval of a conveyance of a highway or segment.

(h) Defines "air quality project" and "transportation project."

(i) Provides that this section applies only to a nontoll state highway or a segment of a nontoll state highway that is conveyed for purposes of creating an outer loop, or connecting to an outer loop, located primarily in a county having a population of more than 3 million, or an adjacent county.

SECTION 2. Effective date: upon passage or September 1, 2003.