

BILL ANALYSIS

S.B. 1463
By: Lindsay
Transportation
Committee Report (Amended)

BACKGROUND 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

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 284.009, Transportation Code) of this bill.

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. (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 a county for operation and maintenance as a project under this chapter in certain circumstances.

(b) Authorizes a county 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.

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(f) Authorizes a county 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 located primarily in a county having a population of more than 3 million.

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

EFFECTIVE DATE

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

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 does three things: allows adjacent counties to get first call on projects in their county; adds Toll Road Authorities to entities that may enter into an agreement with TxDOT; and allows TxDOT to agree to both an outer loop and roads connecting to outer loop.

This bill remains a local bill for Harris County and adjacent counties.

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