

## **BILL ANALYSIS**

Senate Research Center

S.B. 1463  
By: Lindsay  
Infrastructure Development and Security  
4/10/2003  
As Filed

### **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. As proposed, S.B. 1463 establishes the process for the Texas Transportation Commission (TTC) to convey a non-tolled highway, or a segment thereof, to a county for operation and maintenance as a toll facility. This bill requires toll revenue collected from state toll facilities to be earmarked for the state highway fund for TxDOT functions and air quality projects.

### **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 Chapter 284A, 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 non-tolled state highway or a segment of a non-tolled state highway, including any 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 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 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.

(d) Authorizes TTC to waive all or a portion of money 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 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 the counties in which the highway is located.

(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. Requires the rules to include criteria and guidelines for approval of a conveyance of a highway.

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

SECTION 2. Amends Section 362.0041, Transportation Code, as follows:

Sec. 362.0041. CONVERSION OF PROJECTS. (a) Authorizes TTC, except as provided in Subsection (d), to convert, by order, a segment of the free state highway system to a toll facility if it determines that the conversion will improve overall mobility in the region or is the most feasible and economic means to accomplish necessary improvements to that segment, or to another segment, of the state highway system. Deletes text referring to TTC making a determination about a highway conversion, to necessary expansions or extensions, and to Chapter 361 (Texas Turnpike Authority).

(b) No changes to this subsection.

(c) Makes nonsubstantive changes.

(d) Prohibits TTC from converting the Queen Isabella Causeway in Cameron County to a toll facility, rather than turnpike project.

(e) Provides that Chapter 361G (Use of Turnpike Projects) applies to a highway converted to a toll facility under this section.

(f) Requires toll revenue collected under this section to be deposited in the state highway fund and authorizes it to be used by TxDOT for any function performed by TxDOT, or to fund any air quality project.

(g) Defines "air quality project."

SECTION 3. Amends Section 366.035, Transportation Code, as follows:

Sec. 366.035. CONVERSION OF STATE HIGHWAY SYSTEM PROJECTS. (a) Authorizes TTC to convey a non-tolled state highway or segment of a non-tolled state highway, including any real property acquired to construct or operate the highway, to an authority for operation and maintenance as a turnpike project under this chapter under certain circumstances. Deletes text referring to a conversion of a segment of the free highway system to a turnpike project.

(b) Creates this subsection from existing text. Deletes the specification of a segment of highway.

(c) Makes a conforming change and deletes the original Subsection (b).

(d) Requires TTC, at the time of a conveyance, rather than transfer, to remove the highway from the state highway system. Makes conforming changes and redesignates this subsection from Subsection (c).

(e) Makes conforming changes and redesignates this subsection from Subsection (d).

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

(g) Makes a conforming change and redesignates this subsection from Subsection (e).

(h) Redesignates this subsection from Subsection (f).

(i) Redesignates this subsection from Subsection (g).

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

SECTION 4. Effective date: upon passage or September 1, 2003.