

By: Krusee

H.B. No. 2962

Substitute the following for H.B. No. 2962:

By: Phillips

C.S.H.B. No. 2962

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of shadow tolls for financing certain highway
3 facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 222, Transportation Code,
6 is amended by adding Section 222.104 to read as follows:

7 Sec. 222.104. SHADOW TOLLS. (a) In this section, "shadow
8 toll" means a per vehicle fee or a per vehicle mile fee that is
9 determined by the number of vehicles using a highway.

10 (b) The department may enter into an agreement with a public
11 or private entity that provides for the payment of shadow tolls to
12 the public or private entity as reimbursement for the construction,
13 maintenance, or operation of a toll or nontoll facility on the
14 state highway system by the public or private entity.

15 (c) The department may enter into an agreement with a public
16 or private entity that provides for the payment of shadow tolls to
17 the department as reimbursement for the department's construction,
18 maintenance, or operation of a toll or nontoll facility on the state
19 highway system that is financed by the public or private entity.

20 (d) The department may enter into an agreement with a
21 regional mobility authority, a regional tollway authority, or a
22 county acting under Chapter 284 that provides for:

23 (1) the payment of shadow tolls to the authority or
24 county as compensation for the payment of all or a portion of the

1 costs of maintaining a state highway or a portion of a state highway
2 converted to a toll facility of the authority or county that the
3 department estimates it would have incurred if the highway had not
4 been converted; or

5 (2) the payment by an authority or county of shadow
6 tolls to the department as reimbursement for all or a portion of the
7 costs incurred by the department to design, construct, and maintain
8 a state highway or a portion of a state highway converted to a toll
9 facility of the authority or county.

10 (e) The department or other public entity may use any
11 available funds for the purpose of making a shadow toll payment
12 under this section.

13 (f) The commission may adopt rules necessary to implement
14 this section. Rules adopted under this subsection may establish
15 criteria for:

16 (1) determining the amount of shadow tolls to be paid
17 under this section; and

18 (2) allocating the risk that traffic volume will be
19 higher or lower than the parties to an agreement under this section
20 anticipated in entering the agreement.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2003.