

By: Krusee

H.B. No. 2962

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of shadow tolls to finance the construction,
3 maintenance, and operation of a tolled or nontolled state highway
4 or another toll facility.

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

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

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

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

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

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

24 (1) the payment of shadow tolls to an authority or

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

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

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

14 (f) The commission may promulgate rules necessary to
15 implement this section. Rules promulgated by the commission may
16 establish criteria for determining the amount of shadow tolls paid
17 under this section, and allocating the risk that traffic volume is
18 more or less than that anticipated by the parties to an agreement
19 under this section.

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