

A BILL TO BE ENTITLED

AN ACT

relating to the establishment, designation, construction, and operation of a system of multimodal facilities to be designated as the Trans Texas Corridor.

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

SECTION 1. Subtitle B, Title 6, Transportation Code, is amended by adding Chapter 227 to read as follows:

CHAPTER 227. TRANS TEXAS CORRIDOR

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 227.001. SHORT TITLE. This chapter may be cited as the Trans Texas Corridor Act.

Sec. 227.002. DEFINITIONS. In this chapter:

(1) "Construction" includes extension, expansion, and improvement.

(2) "Facility" means:

(A) a state highway;

(B) a turnpike;

(C) freight or passenger rail, including commuter rail, intercity rail, and high-speed rail;

(D) a pipeline, including a pipeline carrying crude oil, petroleum products, natural gas, water, sewage, chemicals, or other goods;

(E) a utility transmission line, including power lines;

1           (F) a communications line, including data  
2 transmission lines, telephone lines, telegraph lines, and  
3 television cables;

4           (G) any other method of transporting people,  
5 property, power, or information that relies on or benefits from  
6 continuous fixed structures; or

7           (H) any structure that is reasonably necessary  
8 for the effective operation of a method of transportation, such as  
9 an intermodal transfer or staging area, a weigh station, an  
10 inspection station, a rest area, a service station, a restaurant, a  
11 train or bus station, a warehouse, a freight interchange, a  
12 switching yard, a maintenance yard, and a pipeline pumping station.

13           (3) "Fee" includes any charge, toll, rent, lease  
14 payment, user fee, franchise fee, percentage fee, license fee,  
15 fare, tariff, or other consideration received in return for the use  
16 of:

17           (A) property that is part of the Trans Texas  
18 Corridor,

19           (B) a facility on the Trans Texas Corridor, or

20           (C) any service that is offered in connection  
21 with the Trans Texas Corridor.

22           (4) "Operation" includes maintenance and repair.

23           (5) "Trans Texas Corridor" means the statewide system  
24 of facilities designated by the commission under this chapter.

25           (6) "Turnpike" has the meaning assigned to turnpike  
26 project in Section 361.001.

27           Sec. 227.003. RULES. The commission may promulgate rules

1 and the department may implement procedures and forms as necessary  
2 or convenient to implement this chapter.

3 Sec. 227.004. APPLICABILITY TO OTHER LAW. (a) All laws  
4 governing the financing, design, construction, or operation of a  
5 state highway apply to the financing, design, construction, or  
6 operation of a highway under this chapter unless in conflict with  
7 this chapter.

8 (b) all laws governing the financing, construction, or  
9 operation of a turnpike by the department apply to the financing,  
10 construction, or operation of a turnpike as part of the Trans Texas  
11 Corridor unless in conflict with this chapter.

12 SUBCHAPTER B. ESTABLISHMENT

13 Sec. 227.011. DESIGNATION. The commission shall designate  
14 the Trans Texas Corridor.

15 Sec. 227.012. ROUTE SELECTION. The commission shall  
16 consider the following criteria when selecting a route for a  
17 segment of the Trans Texas Corridor:

- 18 (1) current and projected traffic patterns;
- 19 (2) the safety of motorists;
- 20 (3) potential risks to non-motorists from spills or  
21 accidents of any kind;
- 22 (4) environmental effects, including the effect on air  
23 quality;
- 24 (5) current and projected economic development;
- 25 (6) the current and projected need for additional  
26 transportation options; and
- 27 (7) system connectivity.

1       Sec. 227.013. PUBLIC PARTICIPATION. Before designating a  
2 route for a segment of the Trans Texas Corridor, the department  
3 shall hold one or more public hearings.

4       Sec. 227.014. ESTABLISHMENT OF DISCRETE SYSTEMS. (a) If  
5 the commission determines that the mobility needs of this state  
6 would be most efficiently and economically met by jointly operating  
7 two or more facilities as one operational and financial enterprise,  
8 it may create a system composed of those facilities. The commission  
9 may create more than one system and may combine two or more systems  
10 into one system. The commission may finance, construct, and  
11 operate an additional facility as an expansion of a system if the  
12 commission determines that the facility would most efficiently and  
13 economically be constructed and operated if it were a part of the  
14 system and that the addition will benefit the system.

15       (b) The revenue of a system shall be accounted for  
16 separately and may not be commingled with the revenue of a facility  
17 that is not a part of the system.

18       Sec. 227.015. LOCATION OF FACILITIES. Notwithstanding any  
19 other law, including Chapter 181, Utilities Code, Chapter 402,  
20 Local Government Code, and Section 49.220, Water Code, the  
21 department may specify the location of any facility on the Trans  
22 Texas Corridor and may direct the time and manner of construction or  
23 operation of any facility on the Trans Texas Corridor.

24       Sec. 227.016. URBAN CORRIDORS. The commission may link the  
25 Trans Texas Corridor to an urban area through an urban corridor. An  
26 urban corridor may include any of or all the facilities on the Trans  
27 Texas Corridor. An urban corridor may be designated by the

1 commission as a segment of the Trans Texas Corridor or as a separate  
2 transportation corridor. The commission and the department shall  
3 have the same powers with respect to an urban corridor that they  
4 have with respect to the Trans Texas Corridor.

5 SUBCHAPTER C. DEVELOPMENT AND OPERATION

6 Sec. 227.021. AUTHORITY OF DEPARTMENT. (a) The department  
7 may construct and operate any facility as part of the Trans Texas  
8 Corridor or may authorize any governmental or private entity to  
9 construct or operate any facility that is part of the Trans Texas  
10 Corridor.

11 (b) Subject to the provisions of Section 227.029, the  
12 department may grant or deny access by any facility or driveway to  
13 the Trans Texas Corridor.

14 Sec. 227.022. PARTICIPATION BY OTHER ENTITIES.

15 (a) Notwithstanding any other law, any tolled or non-tolled  
16 highway on the Trans Texas Corridor that is constructed or operated  
17 by another entity shall be part of the state highway system. This  
18 subsection applies even if the entity constructing or operating the  
19 highway is not independently authorized to construct or operate  
20 highways on the state highway system.

21 (b) If the department authorizes another governmental  
22 entity to construct or operate any facility on the Trans Texas  
23 Corridor, that entity will have all the powers granted to the  
24 department by this chapter with respect to that facility, including  
25 the right to collect fees, except that any property acquired shall  
26 be held in the name of the state.

27 (c) Notwithstanding any other law, if the department

1 authorizes another governmental entity to construct or operate any  
2 facility on the Trans Texas Corridor, that entity may perform the  
3 authorized function without regard to geographic limits on the  
4 entity's jurisdiction.

5 (d) If the department authorizes another governmental  
6 entity to construct or operate any facility on the Trans Texas  
7 Corridor, that entity will not be liable for claims relating to the  
8 Trans Texas Corridor except to the extent that the department would  
9 be liable if it were constructing or operating the facility.

10 (e) Participation in the Trans Texas Corridor shall not be  
11 construed to create a joint venture or to give rise to joint and  
12 several liability among governmental entities. Only the  
13 governmental entity having actual and direct operating control may  
14 be held liable under Chapter 101, Civil Practice and Remedies Code.

15 Sec. 227.023. PARTICIPATION BY PRIVATE ENTITIES. (a) To  
16 the maximum extent practical and economical, the department shall  
17 encourage the participation of private entities in the construction  
18 and operation of facilities.

19 (b) The department shall contract with a private entity to  
20 operate a railroad using facilities owned by the department and may  
21 not use department employees to operate a railroad. The department  
22 may maintain railroad facilities directly or through a private  
23 entity.

24 Sec. 227.024. HIGHWAYS. (a) A highway, including a  
25 turnpike, on the Trans Texas Corridor is a part of the state highway  
26 system.

27 (b) Notwithstanding any other law, the department may

1 dedicate one or more highway lanes on the Trans Texas Corridor to  
2 the exclusive use of designated classes of vehicles.

3 Sec. 227.025. VEHICLE SIZE AND WEIGHT LIMITS. (a) The  
4 commission may authorize the operation of vehicles exceeding the  
5 height, length, and gross and axle weight limitations of Subchapter  
6 C, Chapter 621 on highway segments of the Trans Texas Corridor if  
7 supported by an engineering and traffic study that includes an  
8 analysis of the structural capacity of bridges and pavements,  
9 current and projected traffic patterns and volume, and potential  
10 effects on public safety.

11 (b) The authority granted under this section does not apply  
12 to the operation of a vehicle on a highway that is not part of the  
13 Trans Texas Corridor.

14 Sec. 227.026. NON-HIGHWAY FACILITIES. (a) The department  
15 may acquire rolling stock or other personal property under a  
16 conditional sales contract, lease, equipment trust certificate, or  
17 any other form of contract or trust agreement for use in connection  
18 with a rail or other facility.

19 (b) The department may enter into agreements with a rail  
20 operator, public utility, private utility, communications system,  
21 common carrier, transportation system, or other entity for the  
22 common use of any facility.

23 Sec. 227.027. ENVIRONMENTAL REVIEW. (a) The department  
24 shall conduct or approve all environmental evaluations or studies  
25 required for any activity associated with the Trans Texas Corridor.

26 (b) The commission may promulgate rules to allocate  
27 responsibilities for conducting environmental evaluations or

1 studies or preparing environmental documentation among entities  
2 involved in the construction or operation of any facility on the  
3 Trans Texas Corridor.

4 Sec. 227.028. ENVIRONMENTAL MITIGATION. (a) The  
5 department may acquire, maintain, hold, restore, enhance, develop,  
6 or redevelop property for the purpose of mitigating a past,  
7 present, or future adverse environmental effect arising from the  
8 construction or operation of any part of the Trans Texas Corridor  
9 without regard to whether the need for mitigation has already been  
10 established for a particular project.

11 (b) The department may contract with a governmental or  
12 private entity to maintain, control, hold, restore, enhance,  
13 develop, or redevelop property for the mitigation of a past,  
14 present, or future adverse environmental effect arising from the  
15 construction or operation of any part of the Trans Texas Corridor  
16 without regard to whether the need for mitigation has already been  
17 established for a particular project.

18 (c) If authorized by the applicable regulatory authority,  
19 the department may pay a sum of money to an appropriate governmental  
20 or private entity instead of acquiring or managing property for the  
21 mitigation of a past, present, or future adverse environmental  
22 effect arising from construction or operation of any part of the  
23 Trans Texas Corridor without regard to whether the need for  
24 mitigation has already been established for a particular project.

25 Sec. 227.029. RELOCATION OF EXISTING FACILITIES. (a) The  
26 department may construct a grade separation at an intersection of  
27 the Trans Texas Corridor with another facility and may change the



1 line or grade of a facility to accommodate it to the design of a  
2 grade separation. The department shall pay the cost of a grade  
3 separation and any damage incurred in changing a line or grade of a  
4 facility.

5 (b) If the department finds it necessary to change the  
6 location of a portion of a facility, it shall reconstruct the  
7 facility at the location the department determines to be most  
8 favorable. The reconstructed facility must be of substantially the  
9 same type and in as good condition as the original facility. The  
10 department shall determine and pay the cost of the reconstruction  
11 and any damage incurred in changing the location of a facility.

12 (c) This section does not apply to the conversion of any  
13 road that is a part of the state highway system to a highway on the  
14 Trans Texas Corridor.

15 Sec. 227.030. AUTHORITY TO ENTER EXCLUSIVE DEVELOPMENT  
16 AGREEMENT. (a) The department may enter an exclusive development  
17 agreement with a private or governmental entity to construct or  
18 operate any facility that is part of the Trans Texas Corridor.  
19 Notwithstanding any other law, including Section 222.103(i), an  
20 exclusive development agreement may include the functions of  
21 design, construction, and operation in any combination and may use  
22 any constitutionally permissible source of funds without  
23 restriction on the number of exclusive development agreements that  
24 the department may enter.

25 (b) The facility may be financed in whole or in part by  
26 private investment.

27 (c) Notwithstanding any other law, the department:

1           (1) has broad discretion to negotiate the terms of  
2 financing; and

3           (2) may negotiate provisions relating to professional  
4 and consulting services provided in connection with a project and  
5 to the construction and operation of the facility, including  
6 provisions for combining those services in any combination.

7           Sec. 227.031. PROCESS FOR ENTERING EXCLUSIVE DEVELOPMENT  
8 AGREEMENT. (a) The department, when entering an exclusive  
9 development agreement with a private entity, shall use a  
10 competitive procurement process that provides the best value for  
11 the state, including contracting through the issuance of requests  
12 for proposals. The department shall publish in the request for  
13 bids, proposals, or qualifications the criteria that will be used  
14 to evaluate the offerors and the relative weight given to the  
15 criteria.

16           (b) The department may accept unsolicited proposals for  
17 proposed projects, but may not enter an exclusive development  
18 agreement unless it first issues a request for competing proposals.

19           (c) The department may require that a solicited or  
20 unsolicited proposal be accompanied by a non-reimbursable fee  
21 sufficient to cover all or part of its cost to review the proposal.

22           (d) The department may pay an unsuccessful private entity  
23 that submits a response to a request for proposals a stipulated  
24 amount of the final contract price for any costs incurred in  
25 preparing that proposal. The stipulated amount must be stated in  
26 the request for proposals and may not exceed the value of any work  
27 product contained in the proposal that can, as determined by the

1 department, be used by the department in the performance of its  
2 functions. After payment of the stipulated amount, the department  
3 may make use of any work product contained in the proposal,  
4 including the technologies, techniques, methods, processes, and  
5 information contained in the project design.

6 (e) The department shall prescribe the form of an exclusive  
7 development agreement and may include any matter the department  
8 considers advantageous to the state.

9 (f) Subchapter A, Chapter 223, and Chapter 2254, Government  
10 Code, do not apply to an exclusive development agreement entered  
11 into under this section.

12 Sec. 227.032. CONFIDENTIALITY OF NEGOTIATIONS FOR  
13 EXCLUSIVE DEVELOPMENT AGREEMENTS. Until a final contract is  
14 executed with respect to a proposed project, the following  
15 information is confidential, is not subject to disclosure,  
16 inspection, or copying under Chapter 552, Government Code, and is  
17 not subject to disclosure, discovery, subpoena, or other means of  
18 legal compulsion for its release:

19 (1) all or any part of a proposal submitted by a  
20 private entity for an exclusive development agreement;

21 (2) any supplemental information or materials  
22 submitted by a private entity in connection with a proposal for an  
23 exclusive development agreement; and

24 (3) any information created or collected by the  
25 department or its agents during consideration of a proposal for an  
26 exclusive development agreement.

27 Sec. 227.033. FORMS OF SECURITY FOR CONTRACTORS.

1 (a) Notwithstanding any other law, including Section 223.006 and  
2 Subchapter B, Chapter 2253, Government Code, the department shall  
3 require a private entity entering into an exclusive development  
4 agreement or a construction or maintenance contract to provide  
5 performance and payment bonds or alternative forms of security in  
6 an amount sufficient to protect the department and ensure the  
7 proper performance of the agreement, and to protect payment bond  
8 beneficiaries who have a direct contractual relationship with the  
9 private entity or a subcontractor of the private entity to supply  
10 labor or material.

11 (b) The performance and payment bonds or alternative forms  
12 of security shall be in an amount equal to the cost of constructing  
13 or maintaining the project unless the department determines that it  
14 is impractical for the private entity to provide security in that  
15 amount, in which case the department shall set the amount of the  
16 bonds or the alternative forms of security. A payment or  
17 performance bond or alternative form of security is not required  
18 for the portion of an agreement that includes only design or  
19 planning services, the performance of preliminary studies, or the  
20 acquisition of real property. In no case will the amount of the  
21 payment security be less than the amount of the performance  
22 security.

23 (c) The department may require the following alternative  
24 forms of security:

25 (1) a cashier's check drawn on a financial entity  
26 specified by the department;

27 (2) United States bonds or notes;

1           (3) irrevocable bank letter of credit; or

2           (4) any other form of security determined suitable by  
3 the department.

4           (d) The commission by rule shall prescribe requirements for  
5 alternative forms of security provided under this section.

6           Sec. 227.034. UNAUTHORIZED USE. Notwithstanding any other  
7 law, the department may remove unauthorized personal property,  
8 including vehicles, from the Trans Texas Corridor without notice  
9 and at the owner's expense. Removed property may be stored until  
10 claimed by the owner. If removed property is not claimed by the  
11 owner within 72 hours after the date and time of removal, it shall  
12 be considered abandoned within the meaning of Chapter 683. The  
13 department and its employees shall not be held liable for damage to  
14 property that is removed from the Trans Texas Corridor under this  
15 chapter.

16           SUBCHAPTER D. RIGHT OF WAY ACQUISITION

17           Sec. 227.041. POWERS AND PROCEDURES. (a) The commission  
18 may acquire, in the name of the state, an interest in real property  
19 or a property right that may be necessary or convenient for the  
20 construction or operation of any facility that is part of the Trans  
21 Texas Corridor. The commission may acquire an interest in real  
22 property or a property right by condemnation or by purchase under  
23 any terms and conditions it considers proper. Property may be  
24 purchased for possible use as part of the Trans Texas Corridor even  
25 if a final decision has not been made that the Trans Texas Corridor  
26 will ultimately be located on that property. Property may be  
27 purchased along alternative potential routes for the Trans Texas

1 Corridor even if only one of those potential routes will ultimately  
2 be chosen as the final route.

3 (b) An interest in real property or a property right is  
4 necessary or convenient for the construction or operation of a  
5 facility if it is located in or contiguous to an existing or planned  
6 segment of the Trans Texas Corridor and if its acquisition will  
7 further the purposes of the Trans Texas Corridor. Permissible  
8 purposes include providing right of way or a location for a  
9 facility, providing land for mitigation of adverse environmental  
10 effects, providing buffer zones for scenic or safety purposes,  
11 allowing for possible future expansion of any facility, and  
12 generating revenue, directly or indirectly, for use in constructing  
13 or operating the Trans Texas Corridor.

14 (c) All laws governing the acquisition of right of way for a  
15 state highway apply to the acquisition of right of way for the Trans  
16 Texas Corridor unless in conflict with this chapter.

17 Sec. 227.042. RIGHT TO RECEIVE FEES AS PAYMENT FOR REAL  
18 PROPERTY. (a) Instead of paying for real property with a single  
19 fixed payment, the department may, with a landowner's consent, pay  
20 the landowner in the form of an intangible legal right to receive a  
21 percentage of identified fees related to the applicable segment of  
22 the Trans Texas Corridor.

23 (b) A right to receive fees granted under this section shall  
24 expire no later than 50 years after it is granted.

25 (c) A right to fees granted under this section shall be  
26 subordinate to any bonds that are issued for the applicable segment  
27 of the Trans Texas Corridor and that are secured by the same fees.

1       Sec. 227.043. GRANT OF LEGAL RIGHTS AS PAYMENT FOR REAL  
2 PROPERTY. (a) Instead of paying for real property with a single  
3 fixed payment, the department may, with a landowner's consent, pay  
4 the landowner in the form of an exclusive or a nonexclusive right to  
5 use or operate a facility on the Trans Texas Corridor.

6       (b) A right granted under this section shall expire no later  
7 than 50 years after it is granted.

8       Sec. 227.044. PURCHASE AND LEASEBACK. The department may  
9 acquire real property for the Trans Texas Corridor and immediately  
10 lease it back to the seller for any period or for an indefinite  
11 period.

12       Sec. 227.045. SEVERANCE OF REAL PROPERTY. (a) If the  
13 Trans Texas Corridor severs an owner's real property by dividing it  
14 into two or more noncontiguous parcels, the department shall pay:

15             (1) the value of the property acquired; and

16             (2) the damages to the remainder of the owner's  
17 property caused by the severance, including damages caused by the  
18 inaccessibility of one tract from the other.

19       (b) the department may negotiate for and purchase the  
20 remainder of the severed real property or either part of the severed  
21 real property if the department and the owner agree on terms for the  
22 purchase.

23       (c) If the Trans Texas Corridor severs an owner's real  
24 property by dividing it into two or more noncontiguous parcels, the  
25 department shall construct, at the election of the landowner, a  
26 grade separation connecting the two parcels.

27       Sec. 227.046. OTHER GOVERNMENTAL ENTITIES. If the

1 department authorizes another governmental entity to construct or  
2 operate any segment of or any facility on the Trans Texas Corridor,  
3 that entity will have all the powers and duties of the department  
4 under this subchapter.

5 SUBCHAPTER E. FINANCING

6 Sec. 227.061. PERMISSIBLE SOURCES OF FUNDING. To the full  
7 extent permitted by the constitution, the department may use any  
8 available source of funding in acquiring property for,  
9 constructing, and operating the Trans Texas Corridor. Permissible  
10 sources of funding include appropriations; fees; proceeds from  
11 bonds secured by fees; donations, whether in kind or in cash;  
12 private investments; loans from the state infrastructure bank;  
13 contributions by governmental entities; and loans, grants, and  
14 reimbursements from the federal government.

15 Sec. 227.062. REVENUE BONDS. (a) The commission may  
16 authorize the issuance of bonds to pay all or part of the cost of  
17 acquiring, constructing, or operating a facility or a system  
18 created under Section 227.014, or to refund any bonds previously  
19 issued for the facility or system.

20 (b) Chapters 1201, 1202, 1204, 1207, and 1371, Government  
21 Code apply to bonds issued by the commission. To the extent there  
22 is a conflict between those laws and this chapter, the provisions of  
23 this chapter prevail.

24 (c) The principal of, interest on, and any redemption  
25 premium on bonds issued by the commission may be paid from any  
26 source that is not dedicated to another purpose by the  
27 constitution, by statute, or by contract.



1       (d) Bonds issued under this chapter do not constitute a debt  
2 of the state or a pledge of the faith and credit of the state. Each  
3 bond must contain on its face a statement to the effect that the  
4 state is not obligated to pay the bond or the interest on the bond  
5 from a source other than the amount pledged to pay the bond and the  
6 interest on the bond, and neither the faith and credit nor the  
7 taxing power of the state are pledged to the payment of the  
8 principal of or interest on the bond.

9       (e) The commission may not incur financial obligations that  
10 cannot be paid from revenue derived from owning or operating a  
11 facility or system and from other revenue provided by law.

12       (f) In issuing revenue bonds for which the proceeds will  
13 solely be used for a turnpike, the commission may exercise any  
14 additional powers granted under Subchapter E, Chapter 361.

15       Sec. 227.063. LOANS. The department may borrow money from  
16 the federal government or the state infrastructure bank created  
17 under Subchapter D, Chapter 222, to fund the construction or  
18 operation of a facility under this chapter.

19                               SUBCHAPTER F. REVENUE

20       Sec. 227.071. FEES. (a) Notwithstanding any other law,  
21 including Chapter 181, Utilities Code, Chapter 402, Local  
22 Government Code, and Section 49.220, Water Code, and except as  
23 provided in Subsection (e), the department may require any person,  
24 including any governmental or private entity, to pay a fee as a  
25 condition of using any part of the Trans Texas Corridor.

26       (b) The commission may establish fees to be charged by the  
27 department under this chapter. Fees may be set as absolute amounts,

1 as a percentage of revenue, as a percentage of actual use or  
2 throughput, as a designated portion or percentage of initial  
3 project funding, or on any other reasonable basis. Subject to  
4 approval of any tariff-regulating body having jurisdiction, the  
5 commission may establish joint fees and divisions of fees.

6 (c) A fee may exceed the department's costs, but the  
7 commission may not set a fee that is prohibitive or that  
8 discriminates unreasonably among users or potential users of a  
9 facility.

10 (d) In setting fees under this section, the commission shall  
11 consider:

12 (1) the acquisition cost of the property being used;

13 (2) the value of the property being transported or of  
14 the service being offered;

15 (3) any costs to the department or to the public  
16 occasioned by the use, including environmental effects;

17 (4) comparable fees set by the competitive  
18 marketplace; and

19 (5) the desirable effects of full utilization of the  
20 Trans Texas Corridor on the state's economy and its citizens.

21 (e) If a public road is replaced or eliminated by the Trans  
22 Texas Corridor and if any facility made use of the right of way of  
23 that public road under Chapter 181, Utilities Code, Chapter 402,  
24 Local Government Code, or Section 49.220, Water Code, the  
25 department may not require the owner of that facility to pay a fee  
26 as a condition of using a segment of the Trans Texas Corridor for a  
27 replacement facility.

1       Sec. 227.072. LEASE OF PROPERTY OR RIGHTS. (a) The  
2 department may lease property on the Trans Texas Corridor to any  
3 governmental or private entity. A lease shall not be for a term  
4 longer than 50 years.

5       (b) The department may grant a franchise right to use or  
6 operate a facility on the Trans Texas Corridor. A franchise right  
7 under this section may not be granted for a term longer than 50  
8 years.

9       (c) The department may grant an exclusive or a nonexclusive  
10 license to access and use any portion of the Trans Texas Corridor  
11 for any purpose. A license granted under this section may be for  
12 any period or for an indefinite period.

13       (d) Property may be leased and franchise rights and licenses  
14 may be granted for any purpose, including use as a facility and use  
15 for unrelated commercial, industrial, or agricultural purposes.

16       (e) In return for a lease, a franchise right, or a license,  
17 the department may accept anything of value as consideration.  
18 Permissible consideration includes cash payments, installment  
19 payments, payments based on percentages of use or throughput,  
20 interests in real estate, personal property, and intangible legal  
21 rights.

22       Sec. 227.073. DISPOSITION OF FEES. To the extent that it is  
23 not dedicated to another purpose by the constitution, by statute,  
24 or by contract, all revenue received by the department under this  
25 chapter shall be deposited to the credit of the state highway fund  
26 and may be used for any purpose authorized by this chapter.  
27 Subchapter D, Chapter 316, Government Code, and Section 403.095,

1 Government Code, do not apply to revenue received under this  
2 chapter.

3 SECTION 2. Subchapter H, Chapter 545, Transportation Code,  
4 is amended by adding Section 545.3531 to read as follows:

5 Sec. 545.3531. AUTHORITY OF TEXAS TRANSPORTATION  
6 COMMISSION TO ESTABLISH SPEED LIMITS ON TRANS TEXAS CORRIDOR.

7 (a) Notwithstanding Section 545.352, the Texas Transportation  
8 Commission, by order recorded in its minutes and except as provided  
9 in Subsection (d), may determine and declare on a highway segment of  
10 the Trans Texas Corridor designated under Chapter 227 a reasonable  
11 and safe prima facie speed limit in excess of a prima facie speed  
12 limit in Section 545.352.

13 (b) In determining whether a prima facie speed limit is  
14 reasonable and safe, the commission shall conduct an engineering  
15 and traffic investigation and shall consider the width and  
16 condition of the pavement, the usual traffic at the affected area,  
17 the suitability of existing safety features, and other  
18 circumstances.

19 (c) A prima facie speed limit that is declared by the  
20 commission under this section is effective when the department  
21 erects signs giving notice of the new limit. A new limit that is  
22 enacted under this section is effective at all times or at other  
23 times as determined.

24 (d) The commission may not:

25 (1) modify the rules established by Section  
26 545.351(b); or

27 (2) establish a speed limit of more than 85 miles per

1 hour.

2 (e) The commission, in conducting the engineering and  
3 traffic investigation specified by Subsection (b), shall follow the  
4 "Procedures for Establishing Speed Zones" as adopted by the  
5 commission.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2003.