

By: Lindsay

S.B. No. 1463

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conversion of a nontoll state highway to a toll
3 facility.

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

5 SECTION 1. Subchapter A, Chapter 284, Transportation Code,
6 is amended by adding Section 284.009 to read as follows:

7 Sec. 284.009. CONVEYANCE OF STATE HIGHWAY TO COUNTY.

8 (a) The commission may convey a nontoll state highway or a segment
9 of a nontoll state highway, including real property acquired to
10 construct or operate the highway, to a county for operation and
11 maintenance as a project under this chapter if:

12 (1) the commission determines that the proposed
13 conveyance will improve overall mobility in the region or is the
14 most feasible and economic means of accomplishing necessary
15 improvements to the highway;

16 (2) any funds paid by the department for the
17 construction, maintenance, and operation of the conveyed highway
18 are repaid to the department; and

19 (3) the county agrees to assume all liability and
20 responsibility for the maintenance and operation of the conveyed
21 highway on its conveyance.

22 (b) A county that receives a nontoll state highway or a
23 segment of a nontoll state highway under Subsection (a) may own,
24 operate, and maintain the highway as a pooled project under Section

1 284.065.

2 (c) The commission shall, at the time of a conveyance,
3 remove the highway or segment of highway from the state highway
4 system. After a conveyance, the department has no liability,
5 responsibility, or duty for the maintenance or operation of the
6 highway or segment.

7 (d) The commission may waive all or a portion of an amount
8 due under Subsection (a)(2) if it finds that the conveyance will
9 result in substantial net benefits to the state, the department,
10 and the traveling public that equal or exceed the amount of payment
11 waived.

12 (e) Before conveying a nontoll state highway or a segment of
13 a nontoll state highway under this section, the commission shall
14 conduct a public hearing to receive comments from interested
15 persons concerning the proposed conveyance. Notice of the hearing
16 shall be published in the Texas Register and in one or more
17 newspapers of general circulation in any county in which the
18 highway or segment is located.

19 (f) A county may use toll revenue collected under this
20 section to fund a transportation project or an air quality project.

21 (g) The commission shall adopt rules implementing this
22 section, including criteria and guidelines for approval of a
23 conveyance of a highway or segment.

24 (h) In this section:

25 (1) "Air quality project" means a project or program
26 of a county or another governmental entity that the county
27 determines will mitigate or prevent air pollution caused by the

1 construction, maintenance, or use of public roads within the
2 county.

3 (2) "Transportation project" means the construction,
4 improvement, maintenance, or operation of a transportation
5 facility:

6 (A) under the jurisdiction of a county or another
7 governmental entity;

8 (B) located inside or outside the county; and

9 (C) that the county determines will improve
10 mobility within the county.

11 (i) This section applies only to a nontoll state highway or
12 a segment of a nontoll state highway that is conveyed for purposes
13 of creating an outer loop located primarily in a county having a
14 population of more than three million.

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