

AN ACT

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

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

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

Sec. 284.009. CONVEYANCE OF STATE HIGHWAY TO COUNTY OR TOLL ROAD AUTHORITY. (a) The commission may convey a nontoll state highway or a segment of a nontoll state highway, including real property acquired to construct or operate the highway, to (i) a county or a toll road authority in the county in which the state highway or segment is located, or (ii) a county or toll road authority in a county adjacent to the county in which the highway or segment is located if the county or toll road authority in the county in which the segment or highway is located approves the conveyance, for operation and maintenance as a project under this chapter, if:

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

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

(3) the county or toll road authority agrees to assume

1 all liability and responsibility for the maintenance and operation  
2 of the conveyed highway on its conveyance.

3 (b) A county or toll road authority that receives a nontoll  
4 state highway or a segment of a nontoll state highway under  
5 Subsection (a) may own, operate, and maintain the highway as a  
6 pooled project under Section 284.065.

7 (c) The commission shall, at the time of a conveyance,  
8 remove the highway or segment of highway from the state highway  
9 system. After a conveyance, the department has no liability,  
10 responsibility, or duty for the maintenance or operation of the  
11 highway or segment.

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

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

24 (f) A county or toll road authority may use toll revenue  
25 collected under this section to fund a transportation project or an  
26 air quality project.

27 (g) The commission shall adopt rules implementing this  
28 section, including criteria and guidelines for approval of a

1 conveyance of a highway or segment.

2 (h) In this section:

3 (1) "Air quality project" means a project or program  
4 of a county, toll road authority, or another governmental entity  
5 that the county or toll road authority determines will mitigate or  
6 prevent air pollution caused by the construction, maintenance, or  
7 use of public roads within the county.

8 (2) "Transportation project" means the construction,  
9 improvement, maintenance, or operation of a transportation  
10 facility:

11 (A) under the jurisdiction of a county, toll road  
12 authority, or another governmental entity;

13 (B) located inside or outside the county or area  
14 served by the toll road authority; and

15 (C) that the county or toll road authority  
16 determines will improve mobility within the county or area served  
17 by the toll road authority.

18 (i) This section applies only to a nontoll state highway or  
19 a segment of a nontoll state highway that is conveyed for purposes  
20 of creating an outer loop or connecting to an outer loop located  
21 primarily in a county having a population of more than three million  
22 or an adjacent county.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1463 passed the Senate on May 13, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 30, 2003, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1463 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor