

By: Lindsay

S.B. No. 1463

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conversion of a non-tolled 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 non-tolled state highway or a  
9 segment of a non-tolled state highway, including any real property  
10 acquired to construct or operate the highway, to a county for  
11 operation and 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 to accomplish necessary  
15 improvements to the highway;

16 (2) any moneys paid by the department for the  
17 construction, maintenance, and operation of the transferred  
18 highway 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 highway on  
21 its conveyance.

22 (b) A county that receives a highway under Subsection (a)  
23 may own, operate, and maintain the highway as a pooled project under  
24 Section 284.065.

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

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

9       (e) Before conveying a highway under this section, the  
10 commission shall conduct a public hearing to receive comments from  
11 interested persons concerning the proposed conveyance. Notice of  
12 the hearing must be published in the Texas Register and one or more  
13 newspapers of general circulation in the counties in which the  
14 highway is located.

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

17       (g) The commission shall adopt rules implementing this  
18 section. The rules shall include criteria and guidelines for  
19 approval of a conveyance of a highway.

20       (h) For purposes of this section:

21               (1) "Air quality project" means any project or program  
22 of the county or another governmental entity that the county  
23 determines will mitigate or prevent air pollution caused by the  
24 construction, maintenance, or use of public roads within the  
25 county.

26               (2) "Transportation project" means the construction,  
27 improvement, maintenance, or operation of a transportation

1 facility:

2 (A) under the jurisdiction of the county or  
3 another governmental entity;

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

5 (C) that the county determines will improve  
6 mobility within the county.

7 SECTION 2. Section 362.0041, Transportation Code, is  
8 amended to read as follows:

9 Sec. 362.0041. CONVERSION OF PROJECTS. (a) Except as  
10 provided in Subsection (d), ~~[if]~~ the commission may by order  
11 convert ~~[finds that the conversion of]~~ a segment of the free state  
12 highway system to a toll facility if it determines that the  
13 conversion will improve overall mobility in the region or is the  
14 most feasible and economic means to accomplish necessary  
15 ~~[expansion]~~ improvements~~[, or extensions]~~ to that segment or to  
16 another segment of the state highway system~~[, that segment may be~~  
17 ~~converted by order of the commission to a turnpike project under~~  
18 ~~Chapter 361]~~.

19 (b) Prior to converting a segment of the state highway  
20 system under this section, the commission shall conduct a public  
21 hearing for the purpose of receiving comments from interested  
22 persons concerning the proposed transfer. Notice of the hearing  
23 shall be published in the Texas Register, one or more newspapers of  
24 general circulation, and a newspaper, if any, published in the  
25 county or counties in which the involved highway is located.

26 (c) The commission shall adopt rules implementing this  
27 section, including ~~[such rules to include]~~ criteria and guidelines

1 for the approval of a conversion of a highway.

2 (d) The commission may not convert the Queen Isabella  
3 Causeway in Cameron County to a toll facility [~~turnpike project~~].

4 (e) Subchapter G, Chapter 361 applies to a highway converted  
5 to a toll facility under this section.

6 (f) Toll revenue collected under this section shall be  
7 deposited in the state highway fund and may be used by the  
8 department for any function performed by the department or to fund  
9 any air quality project.

10 (g) For purposes of this section, the term "air quality  
11 project" means any project or program of the department or another  
12 governmental entity that the commission determines will mitigate or  
13 prevent air pollution caused by the construction, maintenance, or  
14 use of public roads.

15 SECTION 3. Sections 366.035, Transportation Code, is  
16 amended to read as follows:

17 Sec. 366.035. CONVERSION OF STATE HIGHWAY SYSTEM PROJECTS.

18 (a) The commission may convey a non-tolled state highway or  
19 segment of a non-tolled state highway, including any real property  
20 acquired to construct or operate the highway, to an authority for  
21 operation and maintenance as a turnpike project under this chapter  
22 if:

23 (1) the commission determines that the proposed  
24 conveyance will improve overall mobility in the in the region or is  
25 the most feasible and economic means to accomplish necessary  
26 improvements to the highway;

27 (2) any moneys paid by the department for the

1 construction, maintenance, and operation of the transferred  
2 highway are repaid to the department; and

3 (3) the authority agrees to assume all liability and  
4 responsibility for the maintenance and operation of the segment of  
5 highway on its conveyance. [~~Except as provided under Subsection~~  
6 ~~(g), if the commission determines that the most feasible and~~  
7 ~~economic means to accomplish necessary expansion, improvements, or~~  
8 ~~extensions to the state highway system is the conversion to a~~  
9 ~~turnpike project of a segment of the free state highway system, any~~  
10 ~~segment located in a county of an authority or a county in which an~~  
11 ~~authority operates a turnpike project or in any county adjacent to~~  
12 ~~those counties may, on approval of the governor and the affected~~  
13 ~~authority, be transferred by order of the commission to that~~  
14 ~~authority.]~~

15 (b) An authority that receives the [~~segment of~~] highway may  
16 own, operate, and maintain the highway [~~segment~~] as a turnpike  
17 project or system or a part of a turnpike or system under this  
18 chapter.

19 (c) The commission may waive all or a portion of money due  
20 under Subsection (a)(2) if it finds that the conveyance will result  
21 in substantial net benefits to the state, the department, and the  
22 traveling public that equal or exceed the amount of payment waived.

23 [~~(b) An authority shall reimburse the commission for the cost of a~~  
24 ~~transferred highway, unless the commission determines that the~~  
25 ~~transfer will result in substantial net benefits to the state, the~~  
26 ~~department, and the traveling public that exceed that cost. The~~  
27 ~~cost includes the total amount expended by the department for the~~

1 ~~original construction of the highway, including all costs~~  
2 ~~associated with the preliminary engineering and design engineering~~  
3 ~~for plans, specifications, and estimates, the acquisition of~~  
4 ~~necessary rights-of-way, and actual construction of the highway and~~  
5 ~~all necessary appurtenant facilities. Costs anticipated to be~~  
6 ~~expended to expand, improve, or extend the highway shall be~~  
7 ~~deducted from the costs to be reimbursed to the commission.]~~

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

13       (e) [~~(d)~~] Before conveying [~~transferring~~] a [~~segment of the~~  
14 ~~state~~] highway [~~system~~] under this section, the commission shall  
15 conduct a public hearing to receive comments from interested  
16 persons concerning the proposed conveyance [~~transfer~~]. Notice of  
17 the hearing must be published in the Texas Register, one or more  
18 newspapers of general circulation in the counties in which the  
19 highway [~~segment~~] is located, and a newspaper, if any, published in  
20 the counties of the applicable authority.

21       (f) An authority may use toll revenue collected under this  
22 section to fund a transportation project or an air quality project.

23       (g) [~~(e)~~] The commission shall adopt rules implementing  
24 this section. The rules shall include criteria and guidelines for  
25 the approval of a conveyance [~~transfer~~] of a highway.

26       (h) [~~(f)~~] An authority shall adopt rules providing criteria  
27 and guidelines for approving the acceptance of a highway under this

1 section.

2 (i) [~~(g)~~] The commission may not transfer the Queen  
3 Isabella Causeway in Cameron County to an authority under this  
4 section.

5 (j) For purposes of this section:

6 (1) "Air quality project" means any project or program  
7 of the authority or another governmental entity that the authority  
8 determines will mitigate or prevent air pollution caused by the  
9 construction, maintenance, or use of public roads within the  
10 counties of the authority.

11 (2) "Transportation project" means the construction,  
12 improvement, maintenance, or operation of a transportation  
13 facility:

14 (A) under the jurisdiction of the authority or  
15 another governmental entity;

16 (B) located inside or outside the counties of the  
17 authority; and

18 (C) that the authority determines will improve  
19 mobility within the counties of the authority.

20 SECTION 4. 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.