

1-1 By: Lindsay S.B. No. 1463
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; May 5, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 5, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1463 By: Lindsay

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the conversion of a nontoll state highway to a toll
1-11 facility.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 284, Transportation Code,
1-14 is amended by adding Section 284.009 to read as follows:

1-15 Sec. 284.009. CONVEYANCE OF STATE HIGHWAY TO COUNTY.

1-16 (a) The commission may convey a nontoll state highway or a segment
1-17 of a nontoll state highway, including real property acquired to
1-18 construct or operate the highway, to a county for operation and
1-19 maintenance as a project under this chapter if:

1-20 (1) the commission determines that the proposed
1-21 conveyance will improve overall mobility in the region or is the
1-22 most feasible and economic means of accomplishing necessary
1-23 improvements to the highway;

1-24 (2) any funds paid by the department for the
1-25 construction, maintenance, and operation of the conveyed highway
1-26 are repaid to the department; and

1-27 (3) the county agrees to assume all liability and
1-28 responsibility for the maintenance and operation of the conveyed
1-29 highway on its conveyance.

1-30 (b) A county that receives a nontoll state highway or a
1-31 segment of a nontoll state highway under Subsection (a) may own,
1-32 operate, and maintain the highway as a pooled project under Section
1-33 284.065.

1-34 (c) The commission shall, at the time of a conveyance,
1-35 remove the highway or segment of highway from the state highway
1-36 system. After a conveyance, the department has no liability,
1-37 responsibility, or duty for the maintenance or operation of the
1-38 highway or segment.

1-39 (d) The commission may waive all or a portion of an amount
1-40 due under Subsection (a)(2) if it finds that the conveyance will
1-41 result in substantial net benefits to the state, the department,
1-42 and the traveling public that equal or exceed the amount of payment
1-43 waived.

1-44 (e) Before conveying a nontoll state highway or a segment of
1-45 a nontoll state highway under this section, the commission shall
1-46 conduct a public hearing to receive comments from interested
1-47 persons concerning the proposed conveyance. Notice of the hearing
1-48 shall be published in the Texas Register and in one or more
1-49 newspapers of general circulation in any county in which the
1-50 highway or segment is located.

1-51 (f) A county may use toll revenue collected under this
1-52 section to fund a transportation project or an air quality project.

1-53 (g) The commission shall adopt rules implementing this
1-54 section, including criteria and guidelines for approval of a
1-55 conveyance of a highway or segment.

1-56 (h) In this section:

1-57 (1) "Air quality project" means a project or program
1-58 of a county or another governmental entity that the county
1-59 determines will mitigate or prevent air pollution caused by the
1-60 construction, maintenance, or use of public roads within the
1-61 county.

1-62 (2) "Transportation project" means the construction,
1-63 improvement, maintenance, or operation of a transportation

2-1 facility:
2-2 (A) under the jurisdiction of a county or another
2-3 governmental entity;
2-4 (B) located inside or outside the county; and
2-5 (C) that the county determines will improve
2-6 mobility within the county.

2-7 (i) This section applies only to a nontoll state highway or
2-8 a segment of a nontoll state highway that is conveyed for purposes
2-9 of creating an outer loop located primarily in a county having a
2-10 population of more than three million.

2-11 SECTION 2. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2003.

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