

Amend **CSSB 62** by striking SECTION 2 of the bill (committee printing page 2, line 27 through page 3, line 15), substituting the following, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2. Section 203.052, Transportation Code, as amended by **HB 2702**, Acts of the 79th Legislature, Regular Session, 2005, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Property necessary or convenient to a state highway for purposes of Subsection (a) includes an interest in real property, a property right, or a material that the commission determines is necessary or convenient to:

- (1) protect a state highway;
- (2) drain a state highway;
- (3) divert a stream, river, or other watercourse from the right-of-way of a state highway;
- (4) store materials or equipment for use or used in the construction or maintenance of a state highway;
- (5) construct or operate a warehouse or other facility used in connection with the construction, maintenance, or operation of a state highway;
- (6) lay out, construct, or maintain a roadside park;
- (7) lay out, construct, or maintain a parking lot that will contribute to maximum use of a state highway with the least possible congestion;
- (8) mitigate an adverse environmental effect that directly results from construction or maintenance of a state highway;
- (9) subject to Subsection (c), provide a location for an ancillary facility that is anticipated to generate revenue for use in the design, development, financing, construction, maintenance, or operation of a toll project, including a gas station, garage, store, hotel, restaurant, or other commercial facility;
- (10) construct or operate a toll booth, toll plaza, service center, or other facility used in connection with the construction, maintenance, or operation of a toll project; or

(11) accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway.

(c) The commission may not acquire property for an ancillary facility through the exercise of eminent domain.

SECTION 3. Section 227.041(b), Transportation Code, as amended by **HB 2702**, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(b) An interest in real property or a property right is necessary or convenient for the construction or operation of a facility if it is located in or contiguous to an existing or planned segment of the Trans-Texas Corridor or is needed for mitigation of adverse environmental effects, and if its acquisition will further the primary purposes of the Trans-Texas Corridor. Primary purposes include:

(1) providing right-of-way or a location for a facility;

(2) providing land for mitigation of adverse environmental effects;

(3) providing buffer zones for scenic or safety purposes;

(4) allowing for possible future expansion of any facility; and

(5) subject to Section 203.052(c), providing a location for a gas station, convenience store, or similar ancillary facility.

SECTION 4. Section 227.041(e), Transportation Code, as added by **HB 2702**, Acts of the 79th Legislature, Regular Session, 2005, is repealed.