

By: Kolkhorst

H.B. No. 1273

A BILL TO BE ENTITLED

AN ACT

relating to the development of the Trans-Texas Corridor.

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

SECTION 1. Section 227.001(4), Transportation Code, is amended to read as follows:

(4) "Facility" means:

(A) a state highway;

(B) a turnpike;

(C) a freight or passenger railroad, including a commuter railroad, intercity railroad, and high-speed railroad;

(D) a public utility facility; or

(E) any structure that is ~~reasonably~~ necessary for the effective operation of a method of transportation, including an intermodal transfer or staging area, weigh station, inspection station, rest area, ~~[service station, restaurant,]~~ train or bus station, warehouse, freight interchange, switching yard, maintenance yard, and pipeline pumping station.

SECTION 2. Subchapter C, Chapter 227, Transportation Code, is amended by adding Sections 227.032, 227.033, and 227.034 to read as follows:

Sec. 227.032. PROHIBITION AGAINST LIMITING CONSTRUCTION OF TRANSPORTATION PROJECTS. A contract for the acquisition, construction, maintenance, or operation of a facility on the Trans-Texas Corridor may not contain a provision that limits or

1 prohibits construction or operation of a facility by the United
2 States, this state, or a political subdivision of this state.

3 Sec. 227.033. STATE HIGHWAYS AND FARM-TO-MARKET ROADS
4 INTERSECTING CORRIDOR. The department shall ensure that, at each
5 intersection of a highway or turnpike of the Trans-Texas Corridor
6 and a state highway or farm-to-market road:

7 (1) the highway or turnpike and the state highway or
8 farm-to-market road are directly accessible to each other; and

9 (2) the state highway or farm-to-market road has
10 uninterrupted service across the corridor.

11 Sec. 227.034. LIMITATION ON SIZE. A right-of-way of a
12 highway or turnpike on the Trans-Texas Corridor may not exceed 800
13 feet in width.

14 SECTION 3. Section 227.041(b), Transportation Code, is
15 amended to read as follows:

16 (b) An interest in real property or a property right is
17 necessary or convenient for the construction or operation of a
18 facility if it is located in or contiguous to an existing or planned
19 segment of the Trans-Texas Corridor and if its acquisition will
20 further the primary purposes of the Trans-Texas Corridor. Primary
21 purposes are purposes that further the transportation and utility
22 functions of the Trans-Texas Corridor and include:

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

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

27 (3) providing buffer zones for scenic or safety

1 purposes;

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

4 (5) generating revenue, directly or indirectly, for
5 use in constructing or operating the Trans-Texas Corridor [~~from or~~
6 ~~for ancillary facilities that directly benefit users of the~~
7 ~~Trans-Texas Corridor~~].

8 SECTION 4. Section 227.081, Transportation Code, is amended
9 by adding Subsection (g) to read as follows:

10 (g) If the department contracts with a private entity for
11 the collection of a fee for the use of the Trans-Texas Corridor, the
12 private entity shall submit to the department for approval:

13 (1) a plan outlining methods the entity will use to
14 collect the fee, including any charge to be imposed:

15 (A) as a penalty for late payment of the fee; or

16 (B) to recover the cost of collecting a
17 delinquent fee; and

18 (2) any change in the amount of a fee or to an approved
19 plan for collecting the fee.

20 SECTION 5. Section 227.082, Transportation Code, is
21 repealed.

22 SECTION 6. Section 227.032, Transportation Code, as added
23 by this Act, applies only to a contract that is entered into on or
24 after the effective date of this Act. A contract entered into before
25 the effective date of this Act is governed by the law applicable to
26 the contract immediately before the effective date of this Act, and
27 that law is continued in effect for that purpose.

1 SECTION 7. Section 227.034, Transportation Code, as added
2 by this Act, applies only to a state highway construction project
3 for which all or a part of the right-of-way has not been obtained on
4 the effective date of this Act.

5 SECTION 8. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.