

By: Seaman

H.B. No. 2075

A BILL TO BE ENTITLED

AN ACT

relating to ferries.

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

PART 1. GENERAL PROVISIONS

SECTION 1. Amend Chapter 284, Section 284.001, Texas Transportation Code, to read as follows:

CHAPTER 284. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES,  
FERRIES, AND HIGHWAYS IN CERTAIN COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 284.001. DEFINITIONS. In this chapter:

(1) "Bond instrument" means a bond trust indenture and a bond resolution.

(2) "Bond resolution" means an order or resolution of a commissioners court authorizing the issuance of bonds.

(3) "Project" means a causeway, bridge, tunnel, turnpike, highway, ferry, or any combination of those facilities, including:

(A) a necessary overpass, underpass, interchange, entrance plaza, toll house, service station, approach, fixture, and accessory and necessary equipment;

(B) necessary administration, storage, and other buildings; and

(C) all property rights, easements, and related interests acquired.

1 SECTION 2. Amend Section 284.003, Texas Transportation  
2 Code, to read as follows:

3 Sec. 284.003. PROJECT AUTHORIZED; CONSTRUCTION,  
4 OPERATION, AND COST. A county, acting through the commissioners  
5 court of the county, or a local government corporation, without  
6 state approval, supervision, or regulation may:

7 (1) construct, acquire, improve, operate, maintain,  
8 or pool a project located:

9 (A) exclusively in the county;

10 (B) in the county and outside the county; or

11 (C) in one or more counties adjacent to the  
12 county;

13 (2) issue tax bonds, revenue bonds, or combination tax  
14 and revenue bonds to pay the cost of the construction, acquisition,  
15 or improvement of a project;

16 (3) impose tolls or charges as otherwise authorized by  
17 this chapter; or

18 (4) construct a bridge, or a ferry, over or across a  
19 deep water navigation channel if the bridge or ferry does not hinder  
20 maritime transportation.

21 SECTION 3. Amend Subchapter A, Texas Transportation Code,  
22 to by adding Section 284.0091 as follows:

23 Sec. 284.0091. CONVEYANCE OF FERRY CONNECTING STATE  
24 HIGHWAYS TO A COUNTY OR LOCAL GOVERNMENT CORPORATION. (a) The  
25 commission by order may convey a ferry operated under Section  
26 342.001 to county or local government corporation created under  
27 Chapter 431 in a county to which this Chapter applies if:

1           (1) the commission determines that the proposed  
2 conveyance is an integral part of the region's overall plan to  
3 improve mobility in the region; and

4           (2) the county or local government corporation:

5                   (A) agrees to the conveyance; and

6                   (B) agrees to assume all liability and  
7 responsibility for the maintenance and operation of the ferry upon  
8 its conveyance.

9           (b) A county or local government corporation shall  
10 reimburse the commission for the cost of a conveyed ferry unless the  
11 commission determines that the conveyance will result in a  
12 substantial net benefit to the state, the department, and the  
13 traveling public that equals or exceeds that cost.

14           (c) In computing the cost of the ferry, the commission  
15 shall:

16                   (1) include the total amount spent by the department  
17 for the original construction of the ferry, including the costs  
18 associated with the preliminary engineering and design engineering  
19 for plans, specifications, and estimates, the acquisition of  
20 necessary rights-of-way, and actual construction of the ferry and  
21 all necessary appurtenant facilities; and

22                   (2) consider the anticipated future costs of  
23 expanding, improving, maintaining, or operating the ferry to be  
24 incurred by the county or local government corporation and not by  
25 the department if the ferry is conveyed.

26           (d) The commission shall, at the time the ferry is conveyed,  
27 remove the ferry from the state highway system. After a conveyance,

1 the commission has no liability, responsibility, or duty for the  
2 maintenance or operation of the ferry.

3 (e) Before conveying a ferry that is a part of the state  
4 highway system under this section, the commission shall conduct a  
5 public hearing at which interested persons shall be allowed to  
6 speak on the proposed conveyance. Notice of the hearing must be  
7 published in the Texas Register, and one or more newspapers of  
8 general circulation in the county in which the ferry is located.

9 (f) The commission shall adopt rules to implement this  
10 section. The rules must include criteria and guidelines for the  
11 approval of a conveyance of a ferry.

12 (g) A county or local government corporation shall  
13 establish criteria and guidelines for approval of the transfer of a  
14 ferry under this section.

15 (h) A county or local government corporation may  
16 temporarily charge a toll for use of a ferry transferred under this  
17 section to pay the costs necessary for an expansion of the ferry and  
18 may permanently charge a toll for use of ferry facilities that are  
19 an expansion of the ferry transferred under this section.

20 (i) The commission may not convey a ferry under this section  
21 if the ferry is located in a municipality with a population of 8,000  
22 or less unless the city council of the municipality approves the  
23 transfer.

24 SECTION 4. IMMEDIATE EFFECTIVE DATE. This Act takes effect  
25 immediately if it receives a vote of two-thirds of all the members  
26 elected to each house, as provided by Section 39, Article III, Texas  
27 Constitution. If this Act does not receive the vote necessary for

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1 immediate effect, this Act takes effect September 1, 2005.