

By: Rose

H.B. No. 2226

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conversion or transfer of a segment of the free
3 state highway system for operation as a turnpike project.

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

5 SECTION 1. Section 284.009(a), Transportation Code, as
6 added by Section 1, Chapter 953, Acts of the 78th Legislature,
7 Regular Session, 2003, and Section 7.01, Chapter 1325, Acts of the
8 78th Legislature, Regular Session, 2003, is reenacted and amended
9 to read as follows:

10 (a) The commission may convey a nontoll state highway or a
11 segment of a nontoll state highway, including real property
12 acquired to construct or operate the highway, to [~~(i)~~] a county [~~or~~
13 ~~a toll road authority in the county~~] in which the state highway or
14 segment is located[~~7~~] or [~~(ii)~~] a county [~~or toll road authority in~~
15 ~~a county~~] adjacent to the county in which the highway or segment is
16 located if:

17 (1) the proposed conveyance is approved by the
18 commissioners court of each county within which the highway is
19 located;

20 (2) the commission determines that the proposed
21 conveyance will improve overall mobility in the region by providing
22 added convenience or a benefit to the region [~~or is the most~~
23 ~~feasible and economic means of accomplishing necessary~~
24 ~~improvements to the highway~~];

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

4 (4) the county agrees to assume all liability and
5 responsibility for the maintenance and operation of the conveyed
6 highway on its conveyance.

7 SECTION 2. Section 284.009, Transportation Code, is amended
8 by adding Subsection (j) to read as follows:

9 (j) For purposes of this section, a highway or segment is
10 considered a nontoll state highway or a segment of a nontoll state
11 highway, as applicable, if the department has used public money,
12 including money from the state highway fund, money from the Texas
13 mobility fund, or money from an agreement with a local governmental
14 entity, to pay for:

15 (1) the actual acquisition, construction,
16 improvement, extension, or expansion of the highway or segment;

17 (2) acquisition of real property, rights-of-way,
18 property rights, easements, or interests; or

19 (3) placement of the highway or segment in operation
20 and expenses related to the initial operation of the highway or
21 segment.

22 SECTION 3. Sections 362.0041(a) and (g), Transportation
23 Code, are amended to read as follows:

24 (a) Except as provided in Subsection [~~Subsections~~] (d) [~~and~~
25 ~~(g)~~], the commission may by order convert a segment of the free
26 state highway system to a toll facility if:

27 (1) it determines that the conversion will improve

1 overall mobility in the region by providing added convenience or a
2 benefit to the region; and

3 (2) the conversion is approved by the commissioners
4 court of each county in which the segment is located [~~or is the most~~
5 ~~feasible and economic means to accomplish necessary expansion,~~
6 ~~improvements, or extensions to that segment of the state highway~~
7 ~~system].~~

8 (g) For the purposes of this section, a segment is a segment
9 of the free state highway system if the department has used public
10 money, including money from the state highway fund, money from the
11 Texas mobility fund, or money from an agreement with a local
12 governmental entity, to pay for:

13 (1) the actual acquisition, construction,
14 improvement, extension, or expansion of the segment;

15 (2) acquisition of real property, rights-of-way,
16 property rights, easements, or interests; or

17 (3) placement of the segment in operation and expenses
18 related to the initial operation of the segment. [~~The commission~~
19 ~~may only convert a segment of the state highway system under this~~
20 ~~section if the conversion is approved by the commissioners court of~~
21 ~~each county within which the segment is located.]~~

22 SECTION 4. Section 366.035, Transportation Code, is amended
23 by amending Subsection (a) and adding Subsection (h) to read as
24 follows:

25 (a) Except as provided under Subsection (g), if the
26 commission determines that [~~the most feasible and economic means to~~
27 ~~accomplish necessary expansion, improvements, or extensions to the~~

1 ~~state highway system is]~~ the conversion to a turnpike project of a
2 segment of the free state highway system will improve overall
3 mobility in the region by providing added convenience or a benefit
4 to the region, any segment located in a county of an authority or a
5 county in which an authority operates a turnpike project or in any
6 county adjacent to those counties may, on approval of the governor,
7 the commissioners court of each county in which the segment is
8 located, and the affected authority, be transferred by order of the
9 commission to that authority. An authority that receives the
10 segment of highway may own, operate, and maintain the segment as a
11 turnpike project or system or a part of a turnpike project or system
12 under this chapter.

13 (h) For the purposes of this section, a segment is a segment
14 of the free state highway system if the department has used public
15 money, including money from the state highway fund, money from the
16 Texas mobility fund, or money from an agreement with a local
17 governmental entity, to pay for:

18 (1) the actual acquisition, construction,
19 improvement, extension, or expansion of the segment;

20 (2) acquisition of real property, rights-of-way,
21 property rights, easements, or interests; or

22 (3) placement of the segment in operation and expenses
23 related to the initial operation of the segment.

24 SECTION 5. Section 370.035, Transportation Code, is amended
25 by amending Subsection (a) and adding Subsection (i) to read as
26 follows:

27 (a) The commission by order may ~~convert a segment of the~~

1 ~~free state highway system to a turnpike project and~~ transfer a
2 ~~[that]~~ segment of the free state highway system to an authority, or
3 may transfer an existing turnpike project that is part of the state
4 highway system, whether previously tolled or not, to an authority
5 if:

6 (1) the commission determines that the proposed
7 transfer is an integral part of the region's overall plan to improve
8 mobility in the region and will provide added convenience or a
9 benefit to the region;

10 (2) the commission determines that the public has a
11 reasonable alternative route on nontoll roads;

12 (3) the authority agrees to assume all liability and
13 responsibility for the maintenance and operation of the turnpike
14 project on its transfer; and

15 (4) the transfer is approved by:

16 (A) the governor; and

17 (B) the commissioners court of each county in
18 which the segment is located.

19 (i) For the purposes of this section, a segment is a segment
20 of the free state highway system if the department has used public
21 money, including money from the state highway fund, money from the
22 Texas mobility fund, or money from an agreement with a local
23 governmental entity, to pay for:

24 (1) the actual acquisition, construction,
25 improvement, extension, or expansion of the segment;

26 (2) acquisition of real property, rights-of-way,
27 property rights, easements, or interests; or

1 (3) placement of the segment in operation and expenses
2 related to the initial operation of the segment.

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