

By: Howard

H.B. No. 3395

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the planning, construction, and operation of toll road
3 projects by certain counties.

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

5 SECTION 1. Section 284.001, Texas Transportation Code, is
6 amended by amending subsection (3) to read as follows:

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

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

13 (B) necessary administration, storage, and other
14 buildings; ~~and~~

15 (C) all property rights, easements, and related
16 interests acquired; and

17 (D) "Project" does not include an overpass,
18 underpass, or interchange with a road on the state highway system
19 unless that overpass, underpass, or interchange is designated by
20 order of the County as part of the Project.

21 SECTION 2. Section 284.008, Texas Transportation Code is
22 amended by amending subsection (c) and adding subsections (d), (e),
23 (f), (g), and (h) to read as follows:

24 (c) Except as provided in subsection (d), a project

1 becomes a part of the state highway system and the commission shall
2 maintain the project without tolls when:

3 (1) all of the bonds and interest on the bonds that are
4 payable from or secured by revenues of the project have been paid;
5 or

6 (2) a sufficient amount for the payment of all bonds and the
7 interest on the bonds to maturity has been set aside in a trust fund
8 held for the benefit of the bondholders.

9 (d) A county may request that the Commission designate
10 a Project under this chapter excluded from the State Highway
11 System. If the Commission concurs with the request, the Commission
12 shall adopt a minute order that states that the Project is excluded
13 from the State Highway System. Thereafter, the Project:

14 (1) is not subject to review or approval by the Department,
15 except for that part of the Project within the State's right-of-way
16 that connects to the State Highway System;

17 (2) must be maintained by the County; and

18 (3) does not become part of the State Highway System, except
19 as provided in subsection (e).

20 (e) A county may transfer to the department a toll road
21 project of that has outstanding bonded indebtedness if the
22 commission:

23 (1) agrees to the transfer; and

24 (2) agrees to assume the outstanding bonded indebtedness.

25 (f) The commission may assume the outstanding bonded
26 indebtedness only if the assumption:

27 (1) is not prohibited under the terms of an existing trust

1 agreement or indenture securing bonds or other obligations issued
2 by the commission for another project;

3 (2) does not prevent the commission from complying with
4 covenants of the commission under an existing trust agreement or
5 indenture; and

6 (3) does not cause a rating agency maintaining a rating on
7 outstanding obligations of the commission to lower the existing
8 rating.

9 (g) If the commission agrees to the transfer under
10 Subsection (e), the county shall convey the toll road project and
11 any real property acquired to construct or operate the toll road
12 project to the department.

13 (h) At the time of a conveyance under this section, the
14 commission shall designate the toll road project as part of the
15 state highway system. After the designation, the county has no
16 liability, responsibility, or duty to maintain or operate the
17 Project.

18 SECTION 3. Section 284.067, Transportation Code is amended
19 by amending subsection (3) to read as follows:

20 (c) [Each] Any county into which the project extends, by
21 condemnation or another method under general law, may acquire the
22 property necessary for the project, provided that a county may not
23 condemn property in another county until after the resolution
24 required by subsection (a) is adopted. The county issuing the bonds
25 may use the bond proceeds to acquire property necessary for the
26 project in any county into which the project extends.

27 SECTION 4: Section 284.066, Transportation Code is amended

1 by adding subsection (e) to the following:

2 (e) If the operating board is a local government
3 corporation, or if a local government corporation is acting
4 pursuant this Chapter then

5 (1) A director is entitled to receive fees of office of not
6 more than \$150 a day for each day the director actually spends
7 performing the duties of a director. In this subsection,
8 "performing the duties of a director" means substantive performance
9 of the management or business of a project, including participation
10 in board and committee meetings and other activities involving the
11 substantive deliberation of business and in pertinent educational
12 programs related to a Project. The phrase does not include routine
13 or ministerial activities such as the execution of documents,
14 self-preparation for meetings, or other activities requiring a
15 minimal amount of time.

16 (2) An operating board or local government corporation, by
17 resolution of the board, shall set a limit on the fees of office
18 that a director may receive in a year, which amount may not exceed
19 \$7,200.

20 (3) Each director is also entitled to receive reimbursement
21 of actual expenses reasonably and necessarily incurred while
22 engaging in activities on behalf of the operating board or local
23 government corporation.

24 (4) In order to receive fees of office and to receive
25 reimbursement for expenses, each director shall file with the
26 county or local government corporation a verified statement showing
27 the number of days actually spent in the service of the district and

1 a general description of the duties performed for each day of
2 service.

3 SECTION 5: Section 395.01, Transportation Code is amended
4 by amending subsection (a)(1) as follows:

5 Sec. 395.001. APPLICATION OF SUBCHAPTER. (a) This
6 subchapter applies only to:

7 (1) the governing body of a toll road authority in
8 which a county with a population of 2.4 million or more is located
9 or adjacent thereto; and

10 (2) an outdoor sign.

11 (b) Chapter 393 does not apply to the placement of a sign to
12 which this subchapter applies.

13 SECTION 6: Section 395.001, Transportation Code is amended
14 by amending subsection (a) as follows:

15 Sec. 395.051. APPLICATION OF SUBCHAPTER. (a) This
16 subchapter applies only to a county with a population of more than
17 3.3 million, or a county adjacent thereto.

18 (b) Chapter 393 does not apply to the placement of a panel or
19 sign to which this subchapter applies.

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