

AN ACT

relating to the conveyance of a ferry by the Texas Department of Transportation to certain counties and local government corporations and to the operation of ferries by regional mobility authorities.

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

SECTION 1. The heading to Chapter 284, Transportation Code, is amended to read as follows:

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

SECTION 2. Subdivision (3), Section 284.001, Transportation Code, is amended to read as follows:

(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.

SECTION 3. Section 284.003, Transportation Code, is amended to read as follows:

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

5 (1) construct, acquire, improve, operate, maintain,
6 or pool a project located:

7 (A) exclusively in the county;

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

9 (C) in one or more counties adjacent to the
10 county;

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

14 (3) impose tolls or charges as otherwise authorized by
15 this chapter; [~~or~~]

16 (4) construct a bridge over a deep water navigation
17 channel if the bridge does not hinder maritime transportation; or

18 (5) construct, acquire, or operate a ferry across a
19 deepwater navigation channel.

20 SECTION 4. Subchapter A, Chapter 284, Transportation Code,
21 is amended by adding Section 284.011 to read as follows:

22 Sec. 284.011. CONVEYANCE OF FERRY CONNECTING STATE
23 HIGHWAYS. (a) The commission by order may convey a ferry operated
24 under Section 342.001 to a county or local government corporation
25 incorporated under Chapter 431 in a county to which this chapter
26 applies if:

27 (1) the commission determines that the proposed

1 conveyance is an integral part of the region's overall plan to
2 improve mobility in the region;

3 (2) the county or local government corporation:

4 (A) agrees to the conveyance; and

5 (B) agrees to assume all liability and
6 responsibility for the maintenance and operation of the ferry on
7 its conveyance; and

8 (3) a majority of the voters in the municipality in
9 which the ferry is located, voting in an election held for that
10 purpose, approve the conveyance.

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

16 (c) In computing the cost of the ferry, the commission
17 shall:

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

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

1 (d) The commission shall, at the time the ferry is conveyed,
2 remove the ferry from the state highway system. After a conveyance,
3 the commission has no liability or responsibility for the
4 maintenance or operation of the ferry.

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

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

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

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

22 (i) The commission may not convey a ferry under this section
23 if any of the docking facilities used by the ferry are located in a
24 municipality with a population of 8,000 or less unless the
25 governing body of the municipality approves the conveyance.

26 (j) The governing body of the municipality in which the
27 ferry is located shall order an election held on the approval of a

1 conveyance under this section.

2 SECTION 5. Subchapter B, Chapter 370, Transportation Code,
3 is amended by adding Section 370.0311 to read as follows:

4 Sec. 370.0311. CERTAIN MUNICIPALITIES. (a) This section
5 applies to a municipality:

6 (1) with a population of 5,000 or less; and

7 (2) in which a ferry system that is a part of the state
8 highway system is located.

9 (b) A municipality has the same authority as a county under
10 this chapter to create and participate in an authority.

11 (c) A municipality that creates or participates in an
12 authority has the same powers and duties as a county that creates or
13 participates in an authority under this chapter.

14 (d) The governing body of a municipality that creates or
15 participates in an authority has the same powers and duties as a
16 commissioners court of a county that creates or participates in an
17 authority under this chapter.

18 (e) An elected member of the governing body of a
19 municipality that creates or participates in an authority has the
20 same powers and duties as a commissioner of a county that creates or
21 participates in an authority under this chapter.

22 SECTION 6. Subsection (h), Section 370.037, Transportation
23 Code, is amended to read as follows:

24 (h) An authority may permanently [~~temporarily~~] charge a
25 toll for use of a ferry transferred under this section [~~to pay the~~
26 ~~costs necessary for an expansion of the ferry.~~ An authority may
27 ~~permanently charge a toll for use of ferry facilities that are an~~

1 ~~expansion of the ferry transferred under this section].~~ An
2 authority may permanently charge a fee or toll for priority use of
3 ferry facilities under Section 370.193.

4 SECTION 7. Subchapter E, Chapter 370, Transportation Code,
5 is amended by adding Section 370.193 to read as follows:

6 Sec. 370.193. PRIORITY BOARDING OF FERRY. An authority may
7 establish a system under which an owner of a motor vehicle may pay
8 an additional fee or toll that entitles the vehicle to have priority
9 in boarding a ferry operated by the authority.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1131 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 28, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1131 passed the House, with amendments, on May 20, 2005, by the following vote: Yeas 136, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor