

By: Hinojosa

S.B. No. 1131

A BILL TO BE ENTITLED

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AN ACT

relating to the conveyance of a ferry by the Texas Department of Transportation to certain counties and local government corporations.

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:

Sec. 284.003. PROJECT AUTHORIZED; CONSTRUCTION, OPERATION,

1 AND COST. A county, acting through the commissioners court of the  
2 county, or a local government corporation, without state approval,  
3 supervision, or regulation, may:

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

- 6 (A) exclusively in the county;
- 7 (B) in the county and outside the county; or
- 8 (C) in one or more counties adjacent to the  
9 county;

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

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

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

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

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

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

26 (1) the commission determines that the proposed  
27 conveyance is an integral part of the region's overall plan to

1 improve mobility in the region; and

2 (2) the county or local government corporation:

3 (A) agrees to the conveyance; and

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

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

12 (c) In computing the cost of the ferry, the commission  
13 shall:

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

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

24 (d) The commission shall, at the time the ferry is conveyed,  
25 remove the ferry from the state highway system. After a conveyance,  
26 the commission has no liability or responsibility for the  
27 maintenance or operation of the ferry.

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

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

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

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

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

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

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 1131 as follows:

(1) On page 3, line 1, strike "and".

(2) On page 3, line 6, strike the period and substitute:

; and

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

(3) On page 4, between lines 21 and 22, insert the following:

(j) The governing body of the municipality in which the ferry is located shall order an election held on the approval of a conveyance under this section.

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Hamric