

1-1 By: Hinojosa S.B. No. 1131
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 7, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 7, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1131 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the conveyance of a ferry by the Texas Department of
1-11 Transportation to certain counties and local government
1-12 corporations.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. The heading to Chapter 284, Transportation Code,
1-15 is amended to read as follows:

1-16 CHAPTER 284. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND
1-17 HIGHWAYS IN CERTAIN COUNTIES

1-18 SECTION 2. Subdivision (3), Section 284.001,
1-19 Transportation Code, is amended to read as follows:

1-20 (3) "Project" means a causeway, bridge, tunnel,
1-21 turnpike, highway, ferry, or any combination of those facilities,
1-22 including:

1-23 (A) a necessary overpass, underpass,
1-24 interchange, entrance plaza, toll house, service station,
1-25 approach, fixture, and accessory and necessary equipment;

1-26 (B) necessary administration, storage, and other
1-27 buildings; and

1-28 (C) all property rights, easements, and related
1-29 interests acquired.

1-30 SECTION 3. Section 284.003, Transportation Code, is amended
1-31 to read as follows:

1-32 Sec. 284.003. PROJECT AUTHORIZED; CONSTRUCTION, OPERATION,
1-33 AND COST. A county, acting through the commissioners court of the
1-34 county, or a local government corporation, without state approval,
1-35 supervision, or regulation, may:

1-36 (1) construct, acquire, improve, operate, maintain,
1-37 or pool a project located:

1-38 (A) exclusively in the county;

1-39 (B) in the county and outside the county; or

1-40 (C) in one or more counties adjacent to the
1-41 county;

1-42 (2) issue tax bonds, revenue bonds, or combination tax
1-43 and revenue bonds to pay the cost of the construction, acquisition,
1-44 or improvement of a project;

1-45 (3) impose tolls or charges as otherwise authorized by
1-46 this chapter; ~~or~~

1-47 (4) construct a bridge over a deep water navigation
1-48 channel if the bridge does not hinder maritime transportation; or

1-49 (5) construct, acquire, or operate a ferry across a
1-50 deepwater navigation channel.

1-51 SECTION 4. Subchapter A, Chapter 284, Transportation Code,
1-52 is amended by adding Section 284.011 to read as follows:

1-53 Sec. 284.011. CONVEYANCE OF FERRY CONNECTING STATE
1-54 HIGHWAYS. (a) The commission by order may convey a ferry operated
1-55 under Section 342.001 to a county or local government corporation
1-56 incorporated under Chapter 431 in a county to which this chapter
1-57 applies if:

1-58 (1) the commission determines that the proposed
1-59 conveyance is an integral part of the region's overall plan to
1-60 improve mobility in the region; and

1-61 (2) the county or local government corporation:

1-62 (A) agrees to the conveyance; and

1-63 (B) agrees to assume all liability and

2-1 responsibility for the maintenance and operation of the ferry on
2-2 its conveyance.

2-3 (b) A county or local government corporation shall
2-4 reimburse the commission for the cost of a conveyed ferry unless the
2-5 commission determines that the conveyance will result in a
2-6 substantial net benefit to the state, the department, and the
2-7 traveling public that equals or exceeds that cost.

2-8 (c) In computing the cost of the ferry, the commission
2-9 shall:

2-10 (1) include the total amount spent by the department
2-11 for the original construction of the ferry, including the costs
2-12 associated with the preliminary engineering and design engineering
2-13 for plans, specifications, and estimates, the acquisition of
2-14 necessary rights-of-way, and actual construction of the ferry and
2-15 all necessary appurtenant facilities; and

2-16 (2) consider the anticipated future costs of
2-17 expanding, improving, maintaining, or operating the ferry to be
2-18 incurred by the county or local government corporation and not by
2-19 the department if the ferry is conveyed.

2-20 (d) The commission shall, at the time the ferry is conveyed,
2-21 remove the ferry from the state highway system. After a conveyance,
2-22 the commission has no liability or responsibility for the
2-23 maintenance or operation of the ferry.

2-24 (e) Before conveying a ferry that is a part of the state
2-25 highway system under this section, the commission shall conduct a
2-26 public hearing at which interested persons shall be allowed to
2-27 speak on the proposed conveyance. Notice of the hearing must be
2-28 published in the Texas Register and in one or more newspapers of
2-29 general circulation in the county in which the ferry is located.

2-30 (f) The commission shall adopt rules to implement this
2-31 section. The rules must include criteria and guidelines for the
2-32 approval of a conveyance of a ferry.

2-33 (g) A county or local government corporation shall
2-34 establish criteria and guidelines for approval of the conveyance of
2-35 a ferry under this section.

2-36 (h) A county or local government corporation may
2-37 temporarily charge a toll for use of a ferry conveyed under this
2-38 section to pay the costs necessary for an expansion of the ferry and
2-39 may permanently charge a toll for use of ferry facilities that are
2-40 an expansion of the ferry conveyed under this section.

2-41 (i) The commission may not convey a ferry under this section
2-42 if any of the docking facilities used by the ferry are located in a
2-43 municipality with a population of 8,000 or less unless the
2-44 governing body of the municipality approves the conveyance.

2-45 SECTION 5. This Act takes effect immediately if it receives
2-46 a vote of two-thirds of all the members elected to each house, as
2-47 provided by Section 39, Article III, Texas Constitution. If this
2-48 Act does not receive the vote necessary for immediate effect, this
2-49 Act takes effect September 1, 2005.

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