

By: Shapiro S.B. No. 1384  
(In the Senate - Filed March 10, 2005; March 21, 2005, read first time and referred to Committee on Transportation and Homeland Security; April 11, 2005, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; April 11, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1384 By: Shapiro

A BILL TO BE ENTITLED  
AN ACT

relating to regional tollway authorities.

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

SECTION 1. Section 201.113, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) An agreement entered into under this section may provide that an improvement of a portion of the state highway system by a regional tollway authority is governed by the applicable provisions of Chapter 366 and the applicable rules and procedures adopted by the regional tollway authority under that chapter, as those provisions apply to a turnpike project under that chapter, notwithstanding the laws, rules, or procedures of the department.

SECTION 2. Section 361.301, Transportation Code, is amended to read as follows:

Sec. 361.301. AGREEMENTS WITH PUBLIC ~~[OR PRIVATE]~~ ENTITIES ~~[TO CONSTRUCT, MAINTAIN, REPAIR, AND OPERATE TURNPIKE PROJECTS]~~.

(a) ~~The [Notwithstanding Section 361.231 and Subchapter A, Chapter 2254, Government Code, the]~~ department may enter into an agreement with a public ~~[or private]~~ entity~~[, including a toll road corporation,]~~ to permit the entity, independently or jointly with the department, to design, develop, finance, construct, maintain, repair, ~~or [and]~~ operate turnpike projects.

(b) An agreement entered into under this section with a regional tollway authority governed by Chapter 366 may provide that a function described in Subsection (a) that is performed by a regional tollway authority is governed by the applicable provisions of Chapter 366 and the applicable rules and procedures adopted by the regional tollway authority under that chapter, as those provisions apply to a turnpike project under that chapter, notwithstanding the laws, rules, or procedures of the department [The department may authorize the investment of public and private money, including debt and equity participation, to finance a function described by this section].

SECTION 3. Section 366.033, Transportation Code, is amended by amending Subsection (b) and adding Subsection (k) to read as follows:

(b) Rules adopted by the authority must be published in a newspaper with general circulation in the area in which the authority is located once each week for two consecutive weeks after adoption of the rule. The notice must contain a condensed statement of the substance of the rule and must advise that a copy of the complete text of the rule is filed in the principal office of the authority where the text may be read by any person. A rule becomes effective 10 days after the date of the second publication of the notice under this subsection [comply with the procedures in Subchapter B, Chapter 2001, Government Code, and are subject to Section 2001.038, Government Code, except that the action may be brought only in a district court of a county located in the authority].

(k) If an authority enters into a contract or agreement to design, finance, construct, operate, maintain, or perform any other function for a turnpike project, system, or other project on behalf of a local governmental entity, the commission, the department, a regional mobility authority, or any other entity, the contract or agreement may provide that the function is governed by the

2-1 applicable provisions of this chapter and the applicable rules and  
2-2 procedures adopted by the authority under this chapter,  
2-3 notwithstanding the laws, rules, or procedures of the other party.  
2-4 SECTION 4. This Act takes effect September 1, 2005.

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