

By: Ogden

S.B. No. 1397

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the imposition of a toll on a segment of highway for
3 which the Texas Department of Transportation has spent public
4 money.

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

6 SECTION 1. Section 224.154(a), Transportation Code, is
7 amended to read as follows:

8 (a) Subject [~~Notwithstanding any law of this state relating~~
9 ~~to charging tolls on existing free public highways, and subject~~] to
10 Sections [~~Section~~] 224.1541(d) and 361.101(b), the commission may
11 by order authorize the department to charge a toll for the use of
12 one or more lanes of a state highway facility, including a high
13 occupancy vehicle lane, for the purposes of congestion mitigation.

14 SECTION 2. Section 224.160(a), Transportation Code, is
15 amended to read as follows:

16 (a) To aid in the collection of tolls and in the enforcement
17 of toll violations, [~~including tolls on temporary toll projects~~
18 ~~authorized by Section 222.102,~~] the commission may use automated
19 enforcement technology that it determines is necessary, including
20 automatic vehicle license plate identification photography and
21 video surveillance, by electronic imaging or photographic copying.

22 SECTION 3. Section 361.101, Transportation Code, is amended
23 to read as follows:

24 Sec. 361.101. DESIGNATION [~~DETERMINATION~~] OF TURNPIKE

1 PROJECTS. (a) The department may~~+~~

2 ~~[(1)]~~ construct, maintain, repair, and operate a
3 turnpike project to:

4 (1) ~~[(A)]~~ facilitate vehicular traffic throughout
5 this state;

6 (2) ~~[(B)]~~ promote the agricultural and industrial
7 development of this state;

8 (3) ~~[(C)]~~ effect traffic safety; or

9 (4) ~~[(D)]~~ improve connections between highways of
10 this state, adjoining states, and the United Mexican States~~+, and~~

11 ~~[(2) at any time determine to undertake a turnpike
12 project, except that the commission by order must approve final
13 designation].~~

14 (b) Except as provided by Subsection (c), the department may
15 not operate a segment of highway, including a lane of a segment, as
16 a turnpike project, and may not transfer a segment to another entity
17 for operation as a turnpike project, unless:

18 (1) the commission by order designated the segment as
19 a turnpike project before the contract to construct the segment was
20 awarded; or

21 (2) the segment was open to traffic as a turnpike
22 project on or before September 1, 2005.

23 (c) Notwithstanding Subsection (b), the department may
24 operate a segment of highway as a turnpike project if:

25 (1) a construction contract was awarded for the
26 segment before September 1, 2005;

27 (2) the segment had not at any time before September 1,

1 2005, been open to traffic; and

2 (3) the commission designated the segment as a
3 turnpike project before the earlier of:

4 (A) the date the segment is opened to traffic; or

5 (B) September 1, 2005.

6 (d) This subsection and Subsection (c) expire September 1,
7 2006.

8 SECTION 4. Section 366.165(d), Transportation Code, is
9 amended to read as follows:

10 (d) An authority's acquisition of any real or other property
11 of the commission under this section or any other section of this
12 chapter or an authority's relocation, rerouting, disruption, or
13 alteration of any facility of the commission is [~~considered a~~
14 ~~conversion of a state highway under Section 366.035 and is~~] subject
15 to the following [all] requirements:

16 (1) the commission must determine that the action is
17 the most feasible and economic means to accomplish necessary
18 expansion, improvements, or extensions to the state highway system;
19 and

20 (2) the action must be approved by the governor [and
21 approvals of a conversion under that section].

22 SECTION 5. Section 366.169(c), Transportation Code, is
23 amended to read as follows:

24 (c) Except as provided by Section 361.101(b) [366.035], the
25 state or a local governmental entity may convey, grant, or lease to
26 an authority real property, including highways and other real
27 property already devoted to public use and rights or easements in

1 real property, that may be necessary or convenient to accomplish
2 the authority's purposes, including the construction or operation
3 of a turnpike project. A conveyance, grant, or lease under this
4 section may be made without advertising, court order, or other
5 action other than the normal action of the state or local
6 governmental entity necessary for a conveyance, grant, or lease.

7 SECTION 6. The heading to Section 370.035, Transportation
8 Code, is amended to read as follows:

9 Sec. 370.035. [~~CONVERSION AND~~] TRANSFER OF STATE HIGHWAY
10 SYSTEM TURNPIKE PROJECTS.

11 SECTION 7. Section 370.035(a), Transportation Code, is
12 amended to read as follows:

13 (a) The commission by order may [~~convert a segment of the~~
14 ~~free state highway system to a turnpike project and transfer that~~
15 ~~segment to an authority, or may~~] transfer an existing turnpike
16 project that is part of the state highway system [~~, whether~~
17 ~~previously tolled or not,~~] to an authority only if:

18 (1) the commission determines that the proposed
19 transfer is an integral part of the region's overall plan to improve
20 mobility in the region;

21 (2) [~~the commission determines that the public has a~~
22 ~~reasonable alternative route on nontoll roads,~~

23 [~~(3)~~] the authority agrees to assume all liability and
24 responsibility for the maintenance and operation of the turnpike
25 project on its transfer; and

26 (3) the transfer is [~~(4)~~] approved by the governor.

27 SECTION 8. Section 370.163(b), Transportation Code, is

1 amended to read as follows:

2 (b) An authority's acquisition of any property of the
3 commission under this or another section of this chapter or an
4 authority's relocation, rerouting, disruption, or alteration of a
5 facility of the commission is [~~considered a conversion of a state~~
6 ~~highway system under Section 370.035 and is~~] subject to the
7 following requirements:

8 (1) the commission must determine that:

9 (A) the proposed action is an integral part of
10 the region's overall plan to improve mobility in the region; and

11 (B) the public has a reasonable nontoll
12 alternative;

13 (2) the authority must agree to assume all liability
14 and responsibility for the maintenance and operation of the
15 facility; and

16 (3) the action must be approved by the governor [~~each~~
17 ~~requirement, condition, or limitation provided by that section~~].

18 SECTION 9. Section 370.168(c), Transportation Code, is
19 amended to read as follows:

20 (c) Except as provided by Section 361.101(b) [~~370.035~~],
21 this state or a local government may convey, grant, or lease to an
22 authority real property, including highways and other real property
23 devoted to public use and rights or easements in real property, that
24 may be necessary or convenient to accomplish a purpose of the
25 authority, including the construction or operation of a
26 transportation project. A conveyance, grant, or lease under this
27 section may be made without advertising, court order, or other

1 action other than the normal action of this state or local
2 government necessary for a conveyance, grant, or lease.

3 SECTION 10. The following laws are repealed:

4 (1) Sections 222.102, 361.180, 362.0041, and 366.035,
5 Transportation Code;

6 (2) Section 284.009, Transportation Code, as added by
7 Chapter 953, Acts of the 78th Legislature, Regular Session, 2003;
8 and

9 (3) Section 284.009, Transportation Code, as added by
10 Chapter 1325, Acts of the 78th Legislature, Regular Session, 2003.

11 SECTION 11. This Act takes effect September 1, 2005.