

BILL ANALYSIS

Senate Research Center

S.B. 792
By: Williams et al.
Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since its creation in 1983 under Chapter 284, Transportation Code, the Harris County Toll Road Authority (HCTRA) has provided residents in the greater Houston area with much needed mobility solutions for the growing population in the area. HCTRA projects have been so successful that several surrounding counties have created their own toll road authorities under the same chapter in order to connect to the system.

Recently, planned HCTRA projects have been put on hold because the Texas Department of Transportation (TxDOT) has sought to take on these projects despite HCTRA's successful history of solving mobility needs in Harris County.

As proposed, S.B. 792 requires TxDOT to assist a toll road authority created under Chapter 284, a regional tollway authority created under Chapter 366, or a regional mobility authority created under Chapter 370 in completion of projects by providing right-of-way owned by TxDOT and access to the state highway system without requiring payment for those resources.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 284.003, Transportation Code, as follows:

Sec. 284.003. PROJECT AUTHORIZED; CONSTRUCTION, OPERATION, AND COST. (a) Creates this subsection from existing text. Authorizes a county, acting through the commissioners court of the county, or a local government corporation, without state approval, supervision, or regulation, to exercise the powers of a regional mobility authority for a turnpike project or a system consisting of turnpike projects under Chapter 370 (Regional Mobility Authorities). Makes nonsubstantive changes.

(b) Defines "turnpike project" and "system consisting of turnpike projects."

SECTION 2. Amends Section 284.004, Transportation Code, as follows:

Sec. 284.004. USE OF COUNTY PROPERTY. Authorizes a county, for a project under this chapter, to use any county property, state highway right-of-way, and access to the state highway system, rather than for a project under this chapter, regardless of when or how such property, right-of-way, or access was acquired. Prohibits the Texas Department of Transportation (TxDOT) from requiring any payment for such use of state highway right-of-way or access to the state highway system by a county or a local government corporation operating under this chapter.

SECTION 3. Amends Sections 284.008(c) and (d), Transportation Code, as follows:

(c) Includes that when all of the bonds and interest on the bonds that are payable from or secured by revenues of the project by the issuer of the bonds and a sufficient amount for the payment of all bonds and the interest on the bonds to maturity has been set aside by the issuer of the bonds in a trust fund held for the benefit of the bondholders a project

then becomes a part of the state highway system and the Texas Transportation Commission (commission) is required to maintain the project without tolls, except as provided by Subsection (d).

(d) Deletes the condition that a county is authorized to request that the commission adopt an order stating that the project will not become part of the state highway system under Subsection (c) only before construction on a project under this chapter begins.

SECTION 4. Amends Sections 284.065(b) and (c), Transportation Code, as follows:

(b) Authorizes an existing project to be pooled in whole or in part with another existing project.

(c) Authorizes a project to be pooled one or more times, rather than prohibiting a project from being pooled more than once.

SECTION 5. Amends Subchapter A, Chapter 228, Transportation Code, by adding Section 228.011, as follows:

Sec. 228.011. DEPARTMENT ASSISTANCE TO LOCAL TOLL PROJECT-BUILDING ENTITY. Requires TxDOT to assist an entity, if by order or resolution a local toll project-building entity, including certain entities, determines to undertake the financing, construction, or operation of a new toll project any part of which lies in an area under its jurisdiction, by providing the project with available highway right-of-way owned by TxDOT and access to the state highway system. Prohibits TxDOT from requiring any payment for such use of highway right-of-way or access to the state highway system by a local toll project-building entity.

SECTION 6. Effective date: upon passage or September 1, 2007.