

By: Leibowitz

H.B. No. 719

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation of a state highway or segment of a state
3 highway as a toll project.

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

5 SECTION 1. Section 228.201, Transportation Code, is amended
6 to read as follows:

7 Sec. 228.201. LIMITATION ON TOLL PROJECT [~~FACILITY~~]
8 DESIGNATION. The [~~(a) Except as provided by Section 228.2015, the~~]
9 department may not operate a [~~nontolled~~] state highway or a segment
10 of a [~~nontolled~~] state highway as a toll project, and may not
11 transfer a highway or segment to another entity for operation as a
12 toll project, unless:

13 (1) [~~the commission by order designated the highway or~~
14 ~~segment as a toll project before the contract to construct the~~
15 ~~highway or segment was awarded,~~

16 [~~(2)~~] the highway or segment was open to traffic as a
17 turnpike project on or before September 1, 2005;

18 (2) [~~(3)~~] the project was designated as a toll project
19 when the project was initially described in a plan or program for
20 roads released or disclosed to the public by:

21 (A) [~~of~~] a metropolitan planning organization,
22 if the proposed toll project is located in the territory of a
23 metropolitan planning organization; or

24 (B) the department, if the proposed toll project

1 is not located in the territory of a metropolitan planning
2 organization [~~on or before September 1, 2005,~~

3 ~~(4) the highway or segment is reconstructed so that~~
4 ~~the number of nontolled lanes on the highway or segment is greater~~
5 ~~than or equal to the number in existence before the reconstruction,~~

6 ~~(5) a facility is constructed adjacent to the highway~~
7 ~~or segment so that the number of nontolled lanes on the converted~~
8 ~~highway or segment and the adjacent facility together is greater~~
9 ~~than or equal to the number in existence on the converted highway or~~
10 ~~segment before the conversion,~~

11 ~~(6) subject to Subsection (b), the highway or segment~~
12 ~~was open to traffic as a high-occupancy vehicle lane on May 1,~~
13 ~~2005]; or~~

14 (3) [~~(7)~~] the commission converts the highway or
15 segment to a toll project [~~facility~~] by:

16 (A) making the determination required by Section
17 228.202;

18 (B) conducting the hearing required by Section
19 228.203; and

20 (C) obtaining county and voter approval as
21 required by Sections 228.207 and 228.208.

22 [~~(b) The department may operate or transfer a~~
23 ~~high-occupancy vehicle lane under Subsection (a)(6) as a tolled~~
24 ~~lane only if the department or other entity operating the lane~~
25 ~~allows vehicles occupied by a specified number of passengers to use~~
26 ~~the lane without paying a toll.]~~

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.