

By: Strama

H.B. No. 1574

A BILL TO BE ENTITLED

AN ACT

relating to the operation, powers, and duties of a toll project entity.

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

SECTION 1. Subtitle G, Title 6, Transportation Code, is amended by adding Chapter 371 to read as follows:

CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN

ONE TYPE OF TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 371.001. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:

(A) a part of the state highway system; or

(B) subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, operate, and maintain a toll project, including:

(A) the department;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; and

(D) a county under Chapter 284.

1 [Sections 371.002-371.050 reserved for expansion]

2 SUBCHAPTER B. TOLL PROJECT ENTITY OPERATIONS

3 Sec. 371.051. BOARD REQUIREMENTS. Of the members an entity
4 appoints to the governing body of a toll project entity, at least
5 one of the members must be an elected official, including but not
6 limited to a member of the commissioners court or another locally
7 elected body.

8 Sec. 371.052. FINANCIAL REPORT. (a) A toll project entity
9 and the metropolitan planning organization that serves the area
10 within the boundaries of the toll project entity shall appoint a
11 committee to review the financial data on planned and existing toll
12 projects located within the planning area of the metropolitan
13 planning organization. The metropolitan planning organization
14 shall appoint to the committee as a representative of the
15 organization the chair, vice chair, and no more than three other
16 members serving on the policy board of the organization. If
17 possible, the appointed members shall be elected officials. The
18 toll project entity shall appoint to the committee as a
19 representative of the entity no more than five members of the
20 governing body of the entity, including any or all of the elected
21 officials serving on the governing body of the entity. The chair of
22 the metropolitan planning organization shall chair the committee.

23 (b) Not later than March 31 of each year, a toll project
24 entity shall file with the commissioners court of each county in
25 which the entity operates a toll project a written report on the
26 findings of the committee established under Subsection (a). At the
27 invitation of a commissioners court of a county in which the toll

1 project entity operates a toll project, representatives of the
2 board and the administrative head of an entity shall appear before
3 the commissioners court to present the report and receive questions
4 and comments.

5 (c) The report required by this section may be given in
6 conjunction with the report required by Section 366.261 or 370.261,
7 as applicable.

8 [Sections 371.053-371.100 reserved for expansion]

9 SUBCHAPTER C. ACQUISITION, CONSTRUCTION, AND OPERATION OF
10 TRANSPORTATION PROJECTS

11 Sec. 371.101. ACCESS TO PUBLIC PROPERTY. (a) A toll
12 project entity has full easements and rights-of-way through,
13 across, under, and over any property owned by the state or any local
14 government that are necessary or convenient to construct, acquire,
15 or efficiently operate a toll project.

16 (b) The state may not establish rules or terms for
17 acquisition of the state's easements or rights-of-way that give
18 preference to one toll project entity or type of toll project entity
19 over another toll project entity or type of toll project entity.

20 (c) This section does not affect the obligation of a toll
21 project entity under other law to compensate the state for the use
22 or acquisition of an easement or right-of-way on property owned by
23 or on behalf of this state.

24 (d) The toll project entity's use of property owned by or on
25 behalf of this state is subject to any covenants, conditions,
26 restrictions, or limitations affecting that property.

27 Sec. 371.102. REIMBURSEMENT OF LOCAL MONEY. A toll project

1 entity shall reimburse a local government for any money contributed
2 by the local government to a toll project operated by the entity
3 unless:

4 (1) the money is from the proceeds of bonds issued
5 after the voters of the local government approved authorizing the
6 issuance of bonds for the toll project in an election held for that
7 purpose; or

8 (2) the governing body of the local government voted
9 publicly to approve or ratify the financing or use of money for the
10 toll project.

11 Sec. 371.103. METROPOLITAN PLANNING ORGANIZATION APPROVAL
12 REQUIRED. (a) For each toll project of a toll project entity that
13 is located within an area served by a metropolitan planning
14 organization, the toll project entity must obtain approval of the
15 policy board of the metropolitan planning organization before the
16 entity may:

17 (1) lease, sell, or convey in another manner the
18 project;

19 (2) contract with a person for the person to operate
20 all or part of the project;

21 (3) increase tolls on the project;

22 (4) refinance the project;

23 (5) continue to impose tolls after the discharge of
24 bonded indebtedness on the project; or

25 (6) spend surplus revenue from the project on other
26 transportation projects.

27 (b) A toll project entity may not conduct preliminary

1 engineering or environmental studies for a toll project located in
2 an area served by a metropolitan planning organization unless the
3 policy board of the organization specifically authorizes the entity
4 to conduct the preliminary engineering or environmental studies.

5 SECTION 2. Section 370.251(g), Transportation Code, is
6 amended to read as follows:

7 (g) The following individuals are ineligible to serve as a
8 director:

9 (1) ~~[an elected official;~~

10 [~~2~~] a person who is not a resident of a county within
11 the geographic area of the authority;

12 (2) [~~3~~] a department employee;

13 (3) [~~4~~] an employee of a governmental entity any part
14 of which is located within the geographic boundaries of the
15 authority; and

16 (4) [~~5~~] a person owning an interest in real property
17 that will be acquired for an authority project, if it is known at
18 the time of the person's proposed appointment that the property
19 will be acquired for the authority project.

20 SECTION 3. Section 366.251(g), Transportation Code, is
21 repealed.

22 SECTION 4. (a) The change in law made by Section 371.051,
23 Transportation Code, as added by this Act, regarding the
24 composition of the governing body of a toll project entity, does not
25 affect the entitlement of a member serving on the governing body of
26 a toll project entity immediately before the effective date of this
27 Act to continue to serve and function as a member of the governing

1 body for the remainder of the member's term.

2 (b) The change in law described by this section applies only
3 to a member appointed on or after the effective date of this Act,
4 and each member appointed on or after the effective day of this Act
5 must be an elected official until the governing body meets the
6 requirements of Section 371.051, Transportation Code, as added by
7 this Act.

8 SECTION 5. This Act takes effect September 1, 2007.