

By: Smith of Harris

H.B. No. 1744

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of the Texas Department of  
3 Transportation in an area under the jurisdiction of a local or  
4 regional toll authority.

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

6 SECTION 1. Section 228.001, Transportation Code, is amended  
7 by adding Subdivision (7) to read as follows:

8 (7) "Local or regional toll authority" means:

9 (A) a county or local government corporation  
10 under Chapter 284;

11 (B) a regional tollway authority under Chapter  
12 366; or

13 (C) a regional mobility authority under Chapter  
14 370.

15 SECTION 2. Subchapter A, Chapter 228, Transportation Code,  
16 is amended by adding Section 228.011 to read as follows:

17 Sec. 228.011. TOLL PROJECTS IN TERRITORY OF LOCAL OR  
18 REGIONAL TOLL AUTHORITY. (a) Before the department may enter into a  
19 contract for the construction or operation of a toll project any  
20 part of which is located in the territory of a local or regional  
21 toll authority, the department must obtain the consent of:

22 (1) the commissioners court of each county in which  
23 the toll project or proposed toll project is located; and

24 (2) the governing body of each local or regional toll

1 authority in which the toll project or proposed toll project is  
2 located.

3 (b) A local or regional toll authority is the entity  
4 primarily responsible for the construction and operation of a toll  
5 project in the territory of the authority. To the extent authorized  
6 or required by this title, the department shall assist a local or  
7 regional toll authority in constructing and operating toll projects  
8 in the territory of the authority, including by allowing  
9 connections with the state highway system and access to state  
10 right-of-way. This subsection does not limit the department's  
11 authority to participate in the cost of acquisition, construction,  
12 maintenance, or operation of a toll project of a local or regional  
13 toll authority under Section 222.103.

14 (c) A toll revenue sharing agreement between the department  
15 and a local or regional toll authority in connection with a toll  
16 project constructed or operated by the authority that is on or  
17 directly connected to the state highway system may not require the  
18 authority to pay the department more than 15 percent of the net toll  
19 revenue from the toll project.

20 SECTION 3. This Act takes effect September 1, 2007.