

By: Smith of Harris

H.B. No. 1892

A BILL TO BE ENTITLED

AN ACT

relating to the power of counties and certain other public entities with respect to certain transportation projects.

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

SECTION 1. Section 284.003, Transportation Code, is amended to read as follows:

Sec. 284.003. PROJECT AUTHORIZED; CONSTRUCTION, OPERATION, AND COST. (a) A county, acting through the commissioners court of the county, or a local government corporation, without state approval, supervision, or regulation, may:

(1) construct, acquire, improve, operate, maintain, or pool a project located:

(A) exclusively in the county;

(B) in the county and outside the county; or

(C) in one or more counties adjacent to the county;

(2) issue tax bonds, revenue bonds, or combination tax and revenue bonds to pay the cost of the construction, acquisition, or improvement of a project;

(3) impose tolls or charges as otherwise authorized by this chapter;

(4) construct a bridge over a deepwater [~~deep water~~] navigation channel if the bridge does not hinder maritime transportation; [~~or~~]

1           (5) construct, acquire, or operate a ferry across a  
2 deepwater navigation channel; or

3           (6) exercise the powers of a regional mobility  
4 authority for a turnpike project or a system consisting of turnpike  
5 projects under Chapter 370.

6           (b) A "turnpike project" or a "system consisting of turnpike  
7 projects" under Subsection (a) is a project as defined by this  
8 chapter.

9           SECTION 2. Section 284.004, Transportation Code, is amended  
10 to read as follows:

11           Sec. 284.004. USE OF COUNTY PROPERTY. Notwithstanding any  
12 other law, for a project under this chapter, a county may use any  
13 county property, state highway right-of-way, and access to the  
14 state highway system [~~for a project under this chapter~~], regardless  
15 of when or how such [~~the~~] property, right-of-way, or access was [~~is~~]  
16 acquired. The department may not require any payment for such use  
17 of state highway right-of-way or access to the state highway system  
18 by a county or a local government corporation operating under this  
19 chapter.

20           SECTION 3. Subsections (c) and (d), Section 284.008,  
21 Transportation Code, are amended to read as follows:

22           (c) Except as provided by Subsection (d), a project becomes  
23 a part of the state highway system and the commission shall maintain  
24 the project without tolls when:

25           (1) all of the bonds and interest on the bonds that are  
26 payable from or secured by revenues of the project have been paid by  
27 the issuer of the bonds; or

1 (2) a sufficient amount for the payment of all bonds  
2 and the interest on the bonds to maturity has been set aside by the  
3 issuer of the bonds in a trust fund held for the benefit of the  
4 bondholders.

5 (d) A [~~Before construction on a project under this chapter~~  
6 ~~begins, a~~] county may request that the commission adopt an order  
7 stating that the project will not become part of the state highway  
8 system under Subsection (c). If the commission adopts the order:

9 (1) Section 362.051 does not apply to the project;

10 (2) the project must be maintained by the county; and

11 (3) the project will not become part of the state  
12 highway system unless the county transfers the project under  
13 Section 284.011.

14 SECTION 4. Subsections (b) and (c), Section 284.065,  
15 Transportation Code, are amended to read as follows:

16 (b) An existing project may be pooled in whole or in part  
17 with a new project or another existing project.

18 (c) A project may [~~not~~] be pooled one or more times [~~than~~  
19 ~~once~~].

20 SECTION 5. Subchapter A, Chapter 228, Transportation Code,  
21 is amended by adding Section 228.011 to read as follows:

22 Sec. 228.011. DEPARTMENT ASSISTANCE TO LOCAL TOLL  
23 PROJECT-BUILDING ENTITY. If by order or resolution a local toll  
24 project-building entity, including a county or local government  
25 corporation under Chapter 284, a regional tollway authority under  
26 Chapter 366, or a regional mobility authority under Chapter 370,  
27 determines to undertake the financing, construction, or operation

1 of a new toll project any part of which lies in an area under its  
2 jurisdiction, the department shall assist such entity by providing  
3 the project with available highway right-of-way owned by the  
4 department and access to the state highway system. The department  
5 may not require any payment for such use of state highway  
6 right-of-way or access to the state highway system by a local toll  
7 project-building entity.

8         SECTION 6. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2007.