

By: Farias

H.B. No. 2047

A BILL TO BE ENTITLED

AN ACT

relating to the construction and expansion of toll projects by private entities in certain areas.

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

Sec. 371.001. RESOURCE PRESERVATION. (a) In this section:

(1) "Department" means the Texas Department of Transportation.

(2) "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.

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

(A) the department under Chapter 227 or 228;

(B) a regional tollway authority under Chapter 366;

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

1 (D) a county under Chapter 284.

2 (b) A toll project may not be constructed by a private
3 entity independently or under contract with a toll project entity,
4 and a toll project owned, leased, or operated by a private entity
5 independently or under contract with a toll project entity may not
6 be expanded, if after conducting a study the department determines
7 that:

8 (1) the construction or expansion will result in
9 significant damage to important:

10 (A) areas of historic, cultural, or
11 archeological value; or

12 (B) natural systems;

13 (2) the construction or expansion will affect
14 renewable resource land, including aquifers and aquifer recharge
15 areas, resulting in a substantial loss or reduction of long-range
16 water productivity;

17 (3) the construction or expansion may reasonably be
18 expected to endanger life and property because it will be located in
19 an area that is:

20 (A) subject to frequent flooding; or

21 (B) geologically unstable;

22 (4) the construction or expansion will adversely
23 affect a national park, national monument, national historic
24 landmark, property listed on the national register of historic
25 places, national forest, national wilderness area, national
26 wildlife refuge, national wild and scenic river area, state park,
27 state wildlife refuge, state forest, recorded Texas historic

1 landmark, state historic site, state archeological landmark, city
2 or county park, or municipally designated historic landmark; or
3 (5) the construction or expansion will endanger a
4 public road, public building, cemetery, school, church or place for
5 worship, or other similar structure or dwelling.

6 SECTION 2. This Act takes effect September 1, 2007.