

By: Watson

S.B. No. 668

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:

(A) the department; and

(B) a regional mobility authority under Chapter 370.

[Sections 371.002-371.050 reserved for expansion]

SUBCHAPTER B. TOLL PROJECT ENTITY OPERATIONS

Sec. 371.051. FINANCIAL REPORT. (a) A toll project entity and the metropolitan planning organization that serves the area within the boundaries of the toll project entity shall appoint a

1 committee to review the financial data on planned and existing toll  
2 projects located within the planning area of the metropolitan  
3 planning organization. The metropolitan planning organization  
4 shall appoint to the committee as representatives of the  
5 organization the chair, the vice chair, and no more than three other  
6 members serving on the policy board of the organization. If  
7 possible, the appointed members shall be elected officials. The  
8 toll project entity shall appoint to the committee as  
9 representatives of the entity no more than five members of the  
10 governing body of the entity, or, in the case of the commission,  
11 their designees, including any or all of the elected officials  
12 serving on the governing body of the entity. The chair of the  
13 metropolitan planning organization shall chair the committee.

14 (b) Not later than March 31 of each year, a toll project  
15 entity shall file with the commissioners court of each county in  
16 which the entity operates a toll project a written report on the  
17 findings of the committee established under Subsection (a). At the  
18 invitation of a commissioners court of a county in which the toll  
19 project entity operates a toll project, representatives of the  
20 board and the administrative head of an entity shall appear before  
21 the commissioners court to present the report and receive questions  
22 and comments.

23 (c) The report required by this section may be given in  
24 conjunction with the report required by Section 370.261.

25 [Sections 371.052-371.100 reserved for expansion]

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

Sec. 371.101. ACCESS TO PUBLIC PROPERTY. The state may not  
establish rules or terms for acquisition of the state's easements  
or rights-of-way that give preference to one toll project entity or  
type of toll project entity over another toll project entity or type  
of toll project entity.

Sec. 371.102. REIMBURSEMENT OF LOCAL MONEY. A toll project  
entity shall reimburse a local government for any money contributed  
by the local government to a toll project operated by the entity  
unless:

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

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

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

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

(2) contract with a person for the person to operate

1 all or part of the project;

2 (3) refinance the project for the purpose of extending  
3 the time before the discharge of bonded indebtedness on the  
4 project;

5 (4) continue to impose tolls after the discharge of  
6 bonded indebtedness on the project unless the tolls are imposed to  
7 pay for the maintenance and operation of the project; or

8 (5) spend surplus revenue from the project on other  
9 transportation projects.

10 (b) A toll project entity may not conduct preliminary  
11 engineering or environmental studies for a toll project located in  
12 an area served by a metropolitan planning organization unless the  
13 policy board of the organization specifically authorizes the entity  
14 to conduct the preliminary engineering or environmental studies.

15 (c) A regional mobility authority that is located within an  
16 area served by two metropolitan planning organizations is not  
17 subject to Subsections (a)(3), (4), and (5) or Subsection (b).

18 Sec. 371.104. TOLL RATE SUBMISSION TO METROPOLITAN PLANNING  
19 ORGANIZATION. Before a toll project entity may increase toll rates  
20 on a project, the entity must present the amount of the increase at  
21 a meeting of the policy board of the applicable metropolitan  
22 planning organization.

23 SECTION 2. Section 370.251, Transportation Code, is amended  
24 by adding Subsection (b-1) and amending Subsection (g) to read as  
25 follows:

26 (b-1) At least one of the directors must be an elected  
27 official, which may include a member of the commissioners court or

1 another locally elected body.

2 (g) The following individuals are ineligible to serve as a  
3 director:

4 (1) [~~an elected official,~~  
5 [~~(2)~~] a person who is not a resident of a county within  
6 the geographic area of the authority;

7 (2) [~~(3)~~] a department employee;

8 (3) [~~(4)~~] an employee of a governmental entity any  
9 part of which is located within the geographic boundaries of the  
10 authority; and

11 (4) [~~(5)~~] a person owning an interest in real property  
12 that will be acquired for an authority project, if it is known at  
13 the time of the person's proposed appointment that the property  
14 will be acquired for the authority project.

15 SECTION 3. (a) The change in law made by Subsection (b-1),  
16 Section 370.251, Transportation Code, as added by this Act,  
17 regarding the composition of the board of directors of a regional  
18 mobility authority, does not affect the entitlement of a director  
19 serving on the board immediately before the effective date of this  
20 Act to continue to serve and function as a director for the  
21 remainder of the director's term.

22 (b) The change in law made by Subsection (b-1), Section  
23 370.251, Transportation Code, as added by this Act, applies only to  
24 a director appointed to the board of directors of a regional  
25 mobility authority on or after the effective date of this Act, and  
26 the first director appointed on or after the effective date of this  
27 Act must be an elected official if the board does not meet the

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1 requirements of Subsection (b-1), Section 370.251, Transportation  
2 Code, as added by this Act.

3 SECTION 4. This Act takes effect September 1, 2007.