

By: Watson

S.B. No. 668

Substitute the following for S.B. No. 668:

By: Krusee

C.S.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 their designees, including the
11 elected official, if any, serving on the governing body of the
12 entity. The chair of the metropolitan planning organization shall
13 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. REIMBURSEMENT OF LOCAL MONEY. (a) 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.

(b) This section does not apply to any money
contributed by a local government to a toll project before the
effective date of this act.

Sec. 371.102. METROPOLITAN PLANNING ORGANIZATION APPROVAL
REQUIRED. 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 for operation by a private participant; or

(2) enter into a contract with a private participant
to operate and collect revenue from the toll project in exchange for
a share of toll revenues from the project.

1 Sec. 371.103. REPORT TO METROPOLITAN PLANNING ORGANIZATION
2 REQUIRED. (a) A toll project entity must report to the policy
3 board of the applicable metropolitan planning organization before
4 it may:

5 (1) increase toll rates;
6 (2) refinance outstanding indebtedness for the
7 project;

8 (3) continue to impose tolls after the discharge of
9 bonded indebtedness on the project unless the tolls are imposed to
10 pay for the maintenance and operation of the project; or

11 (4) spend surplus revenue from the project on other
12 transportation projects.

13 (b) Approval of the metropolitan planning
14 organization is not required for the actions described in
15 subsection (a)(1-4).

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

19 (b-1) One of the directors may be an elected official of a
20 locally elected body.

21 (g) The following individuals are ineligible to serve as a
22 director:

23 (1) except as provided in subsection (b-1), an elected
24 official;

25 SECTION 3. (a) The change in law made by Subsection (b-1),
26 Section 370.251, Transportation Code, as added by this Act,
27 regarding the composition of the board of directors of a regional

1 mobility authority, does not affect the entitlement of a director
2 serving on the board immediately before the effective date of this
3 Act to continue to serve and function as a director for the
4 remainder of the director's term.

5 (b) The change in law made by Subsection (b-1), Section
6 370.251, Transportation Code, as added by this Act, applies only to
7 a director appointed to the board of directors of a regional
8 mobility authority on or after the effective date of this Act.

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