

1-1 By: Nichols S.B. No. 1268
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 20, 2007, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; April 20, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the conversion of a nontolled state highway or segment
1-9 of the state highway system to a toll project.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 228.201, Transportation
1-12 Code, is amended to read as follows:

1-13 (a) ~~The~~ ~~[Except as provided by Section 228.2015, the]~~
1-14 department may not operate a nontolled state highway or a segment of
1-15 a nontolled state highway as a toll project, and may not transfer a
1-16 highway or segment to another entity for operation as a toll
1-17 project, unless:

1-18 (1) the commission by order designated the highway or
1-19 segment as a toll project before the contract to construct the
1-20 highway or segment was awarded;

1-21 (2) the highway or segment was open to traffic as a
1-22 turnpike project on or before September 1, 2005;

1-23 (3) the project was designated as a toll project in a
1-24 plan or program of a metropolitan planning organization on or
1-25 before September 1, 2005;

1-26 (4) the highway or segment is reconstructed so that
1-27 the number of nontolled lanes on the highway or segment is greater
1-28 than or equal to the number in existence before the reconstruction;

1-29 (5) a facility is constructed adjacent to the highway
1-30 or segment so that the number of nontolled lanes on the converted
1-31 highway or segment and the adjacent facility together is greater
1-32 than or equal to the number in existence on the converted highway or
1-33 segment before the conversion; or

1-34 (6) subject to Subsection (b), the highway or segment
1-35 was open to traffic as a high-occupancy vehicle lane on May 1,
1-36 2005[~~or~~

1-37 ~~[(7) the commission converts the highway or segment to~~
1-38 ~~a toll facility by:~~

1-39 ~~[(A) making the determination required by~~
1-40 ~~Section 228.202,~~

1-41 ~~[(B) conducting the hearing required by Section~~
1-42 ~~228.203; and~~

1-43 ~~[(C) obtaining county and voter approval as~~
1-44 ~~required by Sections 228.207 and 228.208].~~

1-45 SECTION 2. Sections 228.207 and 228.208, Transportation
1-46 Code, are repealed.

1-47 SECTION 3. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2007.

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