

By: Carona

S.B. No. 1370

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of certain entities authorized to construct turnpike or toll projects.

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

SECTION 1. Subchapter A, Chapter 228, Transportation Code, is amended by adding Section 228.011 to read as follows:

Sec. 228.011. ASSISTANCE TO CERTAIN ENTITIES. If a county or local government corporation under Chapter 284, a regional tollway authority under Chapter 366, or a regional mobility authority under Chapter 370 undertakes the financing, construction, or operation of a new toll project any part of which lies in an area under department jurisdiction, the department shall assist the entity by providing the project with available highway right-of-way owned by the department and access to the state highway system. The department may not require any payment for the use of state highway right-of-way or access to the state highway system under this section.

SECTION 2. Section 284.003, Transportation Code, is amended to read as follows:

Sec. 284.003. PROJECT AUTHORIZED; CONSTRUCTION, OPERATION, AND COST. 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,

1 or pool a project located:

2 (A) exclusively in the county;

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

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

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

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

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

13 (5) construct, acquire, or operate a ferry across a
14 deepwater navigation channel; or

15 (6) exercise the powers of a regional mobility
16 authority under Chapter 370 with respect to a turnpike project or
17 system.

18 SECTION 3. Section 284.004, Transportation Code, is amended
19 to read as follows:

20 Sec. 284.004. USE OF ~~[COUNTY]~~ PROPERTY. Notwithstanding
21 any other law, for a project under this chapter, a county may use
22 any county property, state highway right-of-way, or access to the
23 state highway system ~~[for a project under this chapter]~~, regardless
24 of when or how the property, right-of-way, or access is acquired.
25 The department may not require any payment for the use of state
26 highway right-of-way or access to the state highway system under
27 this section.

1 SECTION 4. Sections 284.008(c) and (d), Transportation
2 Code, are amended to read as follows:

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

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

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

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

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

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

20 (3) the project will not become part of the state
21 highway system unless the county transfers the project under
22 Section 284.011.

23 SECTION 5. Sections 284.065(b) and (c), Transportation
24 Code, are amended to read as follows:

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

27 (c) A project may [~~not~~] be pooled more than once.

1 SECTION 6. Section 366.033(a), Transportation Code, is
2 amended to read as follows:

3 (a) An authority, acting through its board, without state
4 approval, supervision, or regulation, may:

5 (1) adopt rules for the regulation of its affairs and
6 the conduct of its business;

7 (2) adopt an official seal;

8 (3) study, evaluate, design, acquire, construct,
9 maintain, repair, and operate turnpike projects, individually or as
10 one or more systems;

11 (4) acquire, hold, and dispose of property in the
12 exercise of its powers and the performance of its duties under this
13 chapter;

14 (5) enter into contracts or operating agreements with
15 similar authorities or agencies of the United States, a state of the
16 United States, the United Mexican States, or a state of the United
17 Mexican States;

18 (6) enter into contracts or agreements necessary or
19 incidental to its duties and powers under this chapter;

20 (7) cooperate and work directly with property owners
21 and governmental agencies and officials to support an activity
22 required to promote or develop a turnpike project or system;

23 (8) employ and set the compensation and benefits of
24 administrators, consulting engineers, attorneys, accountants,
25 construction and financial experts, superintendents, managers,
26 full-time and part-time employees, agents, consultants, and such
27 other persons as the authority considers necessary or useful;

1 (9) receive loans, gifts, grants, and other
2 contributions for the construction of a turnpike project or system
3 and receive contributions of money, property, labor, or other
4 things of value from any source, including the United States, a
5 state of the United States, the United Mexican States, a state of
6 the United Mexican States, the commission, the department, any
7 subdivision of the state, or any other local governmental or
8 private entity, to be used for the purposes for which the grants or
9 contributions are made, and enter into any agreement necessary for
10 the grants or contributions;

11 (10) install, construct, maintain, repair, renew,
12 relocate, and remove public utility facilities in, on, along, over,
13 or under a turnpike project;

14 (11) organize a corporation under Chapter 431 for the
15 promotion and development of turnpike projects and systems;

16 (12) adopt and enforce rules not inconsistent with
17 this chapter for the use of any turnpike project or system,
18 including traffic and other public safety rules;

19 (13) enter into leases, operating agreements, service
20 agreements, licenses, franchises, and similar agreements with
21 public or private parties governing the parties' use of all or any
22 portion of a turnpike project and the rights and obligations of the
23 authority with respect to a turnpike project; ~~and~~

24 (14) do all things necessary or appropriate to carry
25 out the powers expressly granted by this chapter; and

26 (15) exercise the powers of a regional mobility
27 authority under Chapter 370 with respect to a turnpike project or

1 system.

2 SECTION 7. Subchapter B, Chapter 366, Transportation Code,
3 is amended by adding Section 366.037 to read as follows:

4 Sec. 366.037. USE OF PROPERTY. Notwithstanding any other
5 law, an authority may use a state highway right-of-way or access to
6 the state highway system for a turnpike project under this chapter,
7 regardless of when or how the right-of-way or access is acquired.
8 The department may not require any payment for the use of state
9 highway right-of-way or access to the state highway system under
10 this section.

11 SECTION 8. This Act takes effect September 1, 2007.