

By: Leibowitz

H.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation of a state highway or segment of a state  
3 highway as a toll project.

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

5 SECTION 1. Section 228.201, Transportation Code, is amended  
6 to read as follows:

7 Sec. 228.201. LIMITATION ON TOLL PROJECT [~~FACILITY~~]  
8 DESIGNATION. The [~~(a) Except as provided by Section 228.2015, the~~]  
9 department may not operate a [~~nontolled~~] state highway or a segment  
10 of a [~~nontolled~~] state highway as a toll project, and may not  
11 transfer a highway or segment to another entity for operation as a  
12 toll project, unless:

13 (1) [~~the commission by order designated the highway or~~  
14 ~~segment as a toll project before the contract to construct the~~  
15 ~~highway or segment was awarded,~~

16 [~~(2)~~] the highway or segment was open to traffic as a  
17 turnpike project on or before September 1, 2005;

18 (2) [~~(3)~~] the project was designated as a toll project  
19 when the project was initially described in a plan or program for  
20 roads released or disclosed to the public by:

21 (A) [~~of~~] a metropolitan planning organization,  
22 if the proposed toll project is located in the territory of a  
23 metropolitan planning organization; or

24 (B) the department, if the proposed toll project

1 is not located in the territory of a metropolitan planning  
2 organization [~~on or before September 1, 2005,~~

3  ~~(4) the highway or segment is reconstructed so that~~  
4  ~~the number of nontolled lanes on the highway or segment is greater~~  
5  ~~than or equal to the number in existence before the reconstruction,~~

6  ~~(5) a facility is constructed adjacent to the highway~~  
7  ~~or segment so that the number of nontolled lanes on the converted~~  
8  ~~highway or segment and the adjacent facility together is greater~~  
9  ~~than or equal to the number in existence on the converted highway or~~  
10  ~~segment before the conversion,~~

11  ~~(6) subject to Subsection (b), the highway or segment~~  
12  ~~was open to traffic as a high-occupancy vehicle lane on May 1,~~  
13  ~~2005]; or~~

14 (3) [~~(7)~~] the commission converts the highway or  
15 segment to a toll project [~~facility~~] by:

16 (A) making the determination required by Section  
17 228.202;

18 (B) conducting the hearing required by Section  
19 228.203; and

20 (C) obtaining county and voter approval as  
21 required by Sections 228.207 and 228.208.

22 [~~(b) The department may operate or transfer a~~  
23  ~~high-occupancy vehicle lane under Subsection (a)(6) as a tolled~~  
24  ~~lane only if the department or other entity operating the lane~~  
25  ~~allows vehicles occupied by a specified number of passengers to use~~  
26  ~~the lane without paying a toll.]~~

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.