

By: Farias

H.B. No. 1449

A BILL TO BE ENTITLED

AN ACT

relating to the construction and expansion of toll projects by private entities in certain areas.

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

SECTION 1. Chapter 371, Transportation Code, as added by Chapters 103 (H.B. 570) and 258 (S.B. 11), Acts of the 80th Legislature, Regular Session, 2007, is reenacted, redesignated as Chapter 372, Transportation Code, and amended to read as follows:

CHAPTER 372 [~~371~~]. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF

TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 372.001 [~~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:

(A) is a part of the state highway system; or

(B) is subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

(A) the department under Chapter 227 or 228;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter

1 370; or

2 (D) a county under Chapter 284.

3 SUBCHAPTER B. TOLL PROJECT OPERATION

4 Sec. 372.051 [~~371.051~~]. USE OF MOTOR VEHICLE REGISTRATION  
5 OR LICENSE PLATE INFORMATION. (a) A toll project entity may not  
6 use motor vehicle registration or other information derived from a  
7 license plate on a vehicle using a toll project, including  
8 information obtained by the use of automated enforcement technology  
9 described by Section 228.058, for purposes other than those related  
10 to:

11 (1) toll collection and toll collection enforcement;

12 and

13 (2) law enforcement purposes on request by a law  
14 enforcement agency [~~, subject to Section 228.058(d)~~].

15 (b) If a toll project entity enters into an agreement with  
16 an entity in another state that involves the exchange of motor  
17 vehicle registration or license plate information for toll  
18 collection or toll collection enforcement purposes, the agreement  
19 must provide that the information may not be used for purposes other  
20 than those described in Subsection (a).

21 Sec. 372.052 [~~371.001~~]. VEHICLES USED BY NONPROFIT  
22 DISASTER RELIEF ORGANIZATIONS. [~~(a) In this section:~~

23 [~~(1) "Toll project" means a toll project described by~~  
24 ~~Section 201.001(b), regardless of whether the toll project is:~~

25 [~~(A) a part of the state highway system; or~~

26 [~~(B) subject to the jurisdiction of the~~

27 ~~department.~~

1           ~~[(2) "Toll project entity" means an entity authorized~~  
2 ~~by law to acquire, design, construct, finance, operate, and~~  
3 ~~maintain a toll project, including:~~

4                   ~~[(A) the department under Chapter 227 or 228,~~

5                   ~~[(B) a regional tollway authority under Chapter~~  
6 ~~366,~~

7                   ~~[(C) a regional mobility authority under Chapter~~  
8 ~~370; or~~

9                   ~~[(D) a county under Chapter 284.~~

10           ~~[(b)]~~ A toll project entity may not require a vehicle  
11 registered under Section 502.203 to pay a toll for the use of a toll  
12 project.

13           Sec. 372.053. RESOURCE PRESERVATION. A toll project may  
14 not be constructed by a private entity independently or under  
15 contract with a toll project entity, and a toll project owned,  
16 leased, or operated by a private entity independently or under  
17 contract with a toll project entity may not be expanded, if after  
18 conducting a study the department determines that:

19                   (1) the construction or expansion will result in  
20 significant damage to important:

21                           (A) areas of historic, cultural, or  
22 archeological value; or

23                           (B) natural systems;

24                   (2) the construction or expansion will affect  
25 renewable resource land, including aquifers and aquifer recharge  
26 areas, resulting in a substantial loss or reduction of long-range  
27 water productivity;

1           (3) the construction or expansion may reasonably be  
2 expected to endanger life and property because it will be located in  
3 an area that is:

4                   (A) subject to frequent flooding; or

5                   (B) geologically unstable;

6           (4) the construction or expansion will adversely  
7 affect a national park, national monument, national historic  
8 landmark, property listed on the National Register of Historic  
9 Places, national forest, national wilderness area, national  
10 wildlife refuge, national wild and scenic river area, state park,  
11 state wildlife refuge, state forest, recorded Texas historic  
12 landmark, state historic site, state archeological landmark, city  
13 or county park, or municipally designated historic landmark; or

14           (5) the construction or expansion will endanger a  
15 public road, public building, cemetery, school, church or place for  
16 worship, or other similar structure or dwelling.

17           SECTION 2. This Act takes effect September 1, 2009.