

By: Coleman

H.B. No. 3016

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition against the conversion of a free segment of the state highway system to a toll project.

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

SECTION 1. Sections 222.1045(b) and (e), Transportation Code, as added by Chapter 281 (H.B. 2702), Acts of the 79th Legislature, Regular Session, 2005, are amended to read as follows:

(b) A public entity may contract with a private entity to act as the public entity's agent in[+]

~~[(1)]~~ the design, financing, maintenance, operation, or construction, including oversight and inspection, of a toll or nontoll facility under Section 222.104(b) [~~+~~ ~~or~~

~~[(2) the maintenance of a state highway or a portion of a state highway subject to an agreement under Section 222.104(d)(1)].~~

(e) A public entity may assign the public entity's right to payment of pass-through tolls under Section 222.104(b) [~~or (d)(1)~~] to the private entity.

SECTION 2. Section 228.007(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 228.013 [~~228.201~~], the commission may by order authorize the department to charge a toll for the use of one or more lanes of a state highway, including a high occupancy vehicle lane designated under Section 224.153 or an exclusive lane

1 designated under Section 224.1541.

2 SECTION 3. Subchapter A, Chapter 228, Transportation Code,  
3 is amended by adding Section 228.013 to read as follows:

4 Sec. 228.013. PROHIBITION AGAINST CONVERSION OF NONTOLLED  
5 SEGMENT OF STATE HIGHWAY SYSTEM. (a) The department may not:

6 (1) convert any portion of a nontolled segment of the  
7 state highway system to a toll project; or

8 (2) transfer any portion of a nontolled segment of the  
9 state highway system to another entity for operation as a toll  
10 project.

11 (b) For the purposes of this section, a segment of the state  
12 highway system is a nontolled segment if, at the time the department  
13 awards the contract for the construction of the segment, the  
14 segment is not designated as a toll project.

15 SECTION 4. Section 228.051, Transportation Code, is amended  
16 to read as follows:

17 Sec. 228.051. DESIGNATION. Subject to Section 228.013  
18 [~~228.201~~], the commission by order may designate one or more lanes  
19 of a proposed segment of the state highway system as a toll project  
20 or system.

21 SECTION 5. Section 228.151(a), Transportation Code, is  
22 amended to read as follows:

23 (a) The department may lease, sell, or transfer in another  
24 manner a toll project or system[~~, including a nontolled state~~  
25 ~~highway or a segment of a nontolled state highway converted to a~~  
26 ~~toll project under Subchapter E,~~] to a governmental entity that has  
27 the authority to operate a tolled highway or a local government

1 corporation created under Chapter 431.

2 SECTION 6. Section 366.169(c), Transportation Code, is  
3 amended to read as follows:

4 (c) Except as provided by Section 228.013 [~~228.201~~], the  
5 state or a local governmental entity may convey, grant, or lease to  
6 an authority real property, including [~~highways and other~~] real  
7 property already devoted to public use and rights or easements in  
8 real property, that may be necessary or convenient to accomplish  
9 the authority's purposes, including the construction or operation  
10 of a turnpike project. A conveyance, grant, or lease under this  
11 section may be made without advertising, court order, or other  
12 action other than the normal action of the state or local  
13 governmental entity necessary for a conveyance, grant, or lease.

14 SECTION 7. Section 370.168(c), Transportation Code, is  
15 amended to read as follows:

16 (c) Except as provided by Section 228.013 [~~228.201~~], this  
17 state or a local government may convey, grant, or lease to an  
18 authority real property, including [~~highways and other~~] real  
19 property devoted to public use and rights or easements in real  
20 property, that may be necessary or convenient to accomplish a  
21 purpose of the authority, including the construction or operation  
22 of a transportation project. A conveyance, grant, or lease under  
23 this section may be made without advertising, court order, or other  
24 action other than the normal action of this state or local  
25 government necessary for a conveyance, grant, or lease.

26 SECTION 8. The following provisions are repealed:

27 (1) Section 222.104(d), Transportation Code;

1           (2) Sections 222.1045(b) and (e), Transportation  
2 Code, as added by Chapter 994 (H.B. 2139), Acts of the 79th  
3 Legislature, Regular Session, 2005; and

4           (3) Subchapter E, Chapter 228, Transportation Code.

5           SECTION 9. The change in law made by this Act applies only  
6 to a contract for the conversion of a free segment of the state  
7 highway system to a toll project entered into on or after the  
8 effective date of this Act. A contract for the conversion of a free  
9 segment of the state highway system to a toll project entered into  
10 before the effective date of this Act is governed by the law in  
11 effect immediately before that date, and that law is continued in  
12 effect for that purpose.

13           SECTION 10. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, this Act takes effect September 1, 2009.