

A BILL TO BE ENTITLED

AN ACT

relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

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

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

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

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

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

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

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

(5) a facility that has access, function, and control devices similar to the converted highway or segment before

1 conversion is constructed adjacent to the highway or segment so
2 that the number of nontolled lanes on the converted highway or
3 segment and the adjacent facility together is greater than or equal
4 to the number in existence on the converted highway or segment
5 before the conversion; or

6 (6) subject to Subsection (b), the highway or segment
7 was open to traffic as a high-occupancy vehicle lane on May 1,
8 2005 [~~or~~

9 ~~[(7) the commission converts the highway or segment to~~
10 ~~a toll facility by:~~

11 ~~[(A) making the determination required by~~
12 ~~Section 228.202;~~

13 ~~[(B) conducting the hearing required by Section~~
14 ~~228.203; and~~

15 ~~[(C) obtaining county and voter approval as~~
16 ~~required by Sections 228.207 and 228.208].~~

17 SECTION 2. Sections 228.202, 228.203, 228.207, and 228.208,
18 Transportation Code, are repealed.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.