

1-1 By: Nichols S.B. No. 220
1-2 (In the Senate - Filed November 10, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 20, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 220 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the conversion of a nontolled state highway or segment
1-11 of the state highway system to a toll project.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 228.201, Transportation
1-14 Code, is amended to read as follows:

1-15 (a) ~~The [Except as provided by Section 228.2015, the]~~
1-16 department may not operate a nontolled state highway or a segment of
1-17 a nontolled state highway as a toll project, and may not transfer a
1-18 highway or segment to another entity for operation as a toll
1-19 project, unless:

1-20 (1) the commission by order designated the highway or
1-21 segment as a toll project before the contract to construct the
1-22 highway or segment was awarded;

1-23 (2) the highway or segment was open to traffic as a
1-24 turnpike project on or before September 1, 2005;

1-25 (3) the project was designated as a toll project in a
1-26 plan or program of a metropolitan planning organization on or
1-27 before September 1, 2005;

1-28 (4) the highway or segment is reconstructed so that
1-29 the number of nontolled lanes on the highway or segment is greater
1-30 than or equal to the number in existence before the reconstruction;

1-31 (5) a facility that has access, function, and control
1-32 devices similar to the converted highway or segment before
1-33 conversion is constructed adjacent to the highway or segment so
1-34 that the number of nontolled lanes on the converted highway or
1-35 segment and the adjacent facility together is greater than or equal
1-36 to the number in existence on the converted highway or segment
1-37 before the conversion; or

1-38 (6) subject to Subsection (b), the highway or segment
1-39 was open to traffic as a high-occupancy vehicle lane on May 1,
1-40 2005 [~~or~~

1-41 ~~(7) the commission converts the highway or segment to~~
1-42 ~~a toll facility by:~~

1-43 [~~(A) making the determination required by~~
1-44 ~~Section 228.202,~~

1-45 [~~(B) conducting the hearing required by Section~~
1-46 ~~228.203, and~~

1-47 [~~(C) obtaining county and voter approval as~~
1-48 ~~required by Sections 228.207 and 228.208].~~

1-49 SECTION 2. Sections 228.202, 228.203, 228.207, and 228.208,
1-50 Transportation Code, are repealed.

1-51 SECTION 3. This Act takes effect immediately if it receives
1-52 a vote of two-thirds of all the members elected to each house, as
1-53 provided by Section 39, Article III, Texas Constitution. If this
1-54 Act does not receive the vote necessary for immediate effect, this
1-55 Act takes effect September 1, 2009.

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