

AN ACT

relating to the use of the state highway fund to participate in the costs associated with a toll facility of a public or private entity.

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

SECTION 1. Section 222.001, Transportation Code, is amended to read as follows:

Sec. 222.001. USE OF STATE HIGHWAY FUND. (a) Money that is required to be used for public roadways by the Texas Constitution or federal law and that is deposited in the state treasury to the credit of the state highway fund, including money deposited to the credit of the state highway fund under Title 23, United States Code, may be used only:

- (1) to improve the state highway system;
- (2) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway by the department; or
- (3) by the Department of Public Safety to police the state highway system and to administer state laws relating to traffic and safety on public roads.

(b) Notwithstanding Section 222.103, the department may not pledge or otherwise encumber money deposited in the state highway fund to:

- (1) guarantee a loan obtained by a public or private entity for costs associated with a toll facility of the public or

1 private entity; or

2 (2) insure bonds issued by a public or private entity  
3 for costs associated with a toll facility of the public or private  
4 entity.

5 SECTION 2. Subsection (b), Section 222.001, Transportation  
6 Code, as added by this Act, applies only to an agreement to pledge  
7 or otherwise encumber money in the state highway fund that is  
8 entered into on or after the effective date of this Act, except that  
9 that section does not apply to an agreement to pledge or otherwise  
10 encumber money in the state highway fund that is associated with the  
11 following projects, regardless of whether the agreement is  
12 finalized on or after the effective date of this Act:

13 (1) the State Highway 161 project in Dallas County;

14 (2) the Southwest Parkway (State Highway 121) in  
15 Tarrant County from Interstate Highway 30 to Dirks Road/Altamesa  
16 Boulevard and the Chisholm Trail project from Dirks Road/Altamesa  
17 Boulevard to U.S. Highway 67 in the city of Cleburne;

18 (3) a project associated with the highway designated  
19 as the Trinity Parkway in the city of Dallas;

20 (4) the Grand Parkway project (State Highway 99);

21 (5) the Hidalgo Loop project in Hidalgo County from  
22 U.S. Highway 83 near the Pharr-Reynosa International Bridge to the  
23 U.S. Highway 83 Expressway in Penitas to U.S. Highway 281 north of  
24 Edinburg to U.S. Highway 83 west of Farm-to-Market Road 1423 to U.S.  
25 Highway 83 near the Pharr-Reynosa International Bridge;

26 (6) the U.S. Highway 290 project from east of U.S.  
27 Highway 183 to east of Farm-to-Market Road 734 in Travis County;

1           (7) the State Highway 71 East project from Riverside  
2 Drive east to east of State Highway 130 and including the  
3 interchange at State Highway 71 East/U.S. Highway 183 South in  
4 Travis County;

5           (8) the U.S. Highway 183 South project from Springdale  
6 Road south to State Highway 71 East in Travis County;

7           (9) the Loop 1 added capacity project, comprised of  
8 the addition of a managed lane on Loop 1 from Parmer Lane to State  
9 Highway 45 South in Travis County;

10          (10) any transaction related to the acquisition by a  
11 regional mobility authority, a regional tollway authority, or a  
12 county acting under Chapter 284 of a toll project of the department  
13 all or a portion of which was existing and in operation prior to  
14 September 1, 2009;

15          (11) any transaction related to the assumption by a  
16 regional mobility authority, a regional tollway authority, or a  
17 county acting under Chapter 284 of the operations of a toll project  
18 of the department all or a portion of which was existing and in  
19 operation prior to September 1, 2009;

20          (12) the Loop 49 project from U.S. Highway 69 north of  
21 Lindale to State Highway 110 in Smith County; or

22          (13) the U.S. Highway 281 project in Bexar County from  
23 Loop 1604 to the Comal County line and including five direct  
24 connectors at the Loop 1604/U.S. Highway 281 interchange.

25          SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 883

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2009.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 883 passed the Senate on  
May 5, 2009, by the following vote: Yeas 28, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 883 passed the House on  
May 27, 2009, by the following vote: Yeas 148, Nays 0, one  
present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor