

1-1 By: Carona S.B. No. 883
1-2 (In the Senate - Filed February 17, 2009; March 9, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; May 1, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 1, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 883 By: Carona

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

1-10 relating to the use of the state highway fund to participate in the
1-11 costs associated with a toll facility of a public or private entity.

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

1-13 SECTION 1. Section 222.001, Transportation Code, is amended
1-14 to read as follows:

1-15 Sec. 222.001. USE OF STATE HIGHWAY FUND. (a) Money that is
1-16 required to be used for public roadways by the Texas Constitution or
1-17 federal law and that is deposited in the state treasury to the
1-18 credit of the state highway fund, including money deposited to the
1-19 credit of the state highway fund under Title 23, United States Code,
1-20 may be used only:

1-21 (1) to improve the state highway system;

1-22 (2) to mitigate adverse environmental effects that
1-23 result directly from construction or maintenance of a state highway
1-24 by the department; or

1-25 (3) by the Department of Public Safety to police the
1-26 state highway system and to administer state laws relating to
1-27 traffic and safety on public roads.

1-28 (b) Notwithstanding Section 222.103, the department may not
1-29 pledge or otherwise encumber money deposited in the state highway
1-30 fund to:

1-31 (1) guarantee a loan obtained by a public or private
1-32 entity for costs associated with a toll facility of the public or
1-33 private entity; or

1-34 (2) insure bonds issued by a public or private entity
1-35 for costs associated with a toll facility of the public or private
1-36 entity.

1-37 SECTION 2. Subsection (b), Section 222.001, Transportation
1-38 Code, as added by this Act, applies only to an agreement to pledge
1-39 or otherwise encumber money in the state highway fund that is
1-40 entered into on or after the effective date of this Act, except that
1-41 that section does not apply to an agreement to pledge or otherwise
1-42 encumber money in the state highway fund that is associated with the
1-43 following projects, regardless of whether the agreement is
1-44 finalized on or after the effective date of this Act:

1-45 (1) the State Highway 161 project in Dallas County;

1-46 (2) the Southwest Parkway (State Highway 121) in
1-47 Tarrant County from Interstate Highway 30 to Dirks Road/Altamesa
1-48 Boulevard and the Chisholm Trail project from Dirks Road/Altamesa
1-49 Boulevard to U.S. Highway 67 in the city of Cleburne;

1-50 (3) a project associated with the highway designated
1-51 as the Trinity Parkway in the city of Dallas;

1-52 (4) the Grand Parkway project (State Highway 99);

1-53 (5) the Hidalgo Loop project in Hidalgo County from
1-54 U.S. Highway 83 near the Pharr-Reynosa International Bridge to the
1-55 U.S. Highway 83 Expressway in Penitas to U.S. Highway 281 north of
1-56 Edinburg to U.S. Highway 83 west of Farm-to-Market Road 1423 to U.S.
1-57 Highway 83 near the Pharr-Reynosa International Bridge;

1-58 (6) the U.S. Highway 290 project from east of U.S.
1-59 Highway 183 to east of Farm-to-Market Road 734 in Travis County;

1-60 (7) the State Highway 71 East project from Riverside
1-61 Drive east to east of State Highway 130 and including the
1-62 interchange at State Highway 71 East/U.S. Highway 183 South in
1-63 Travis County;

2-1 (8) the U.S. Highway 183 South project from Springdale
2-2 Road south to State Highway 71 East in Travis County;
2-3 (9) the Loop 1 added capacity project, comprised of
2-4 the addition of a managed lane on Loop 1 from Parmer Lane to State
2-5 Highway 45 South in Travis County;
2-6 (10) any transaction related to the acquisition by a
2-7 regional mobility authority, a regional tollway authority, or a
2-8 county acting under Chapter 284 of a toll project of the department
2-9 all or a portion of which was existing and in operation prior to
2-10 September 1, 2009;
2-11 (11) any transaction related to the assumption by a
2-12 regional mobility authority, a regional tollway authority, or a
2-13 county acting under Chapter 284 of the operations of a toll project
2-14 of the department all or a portion of which was existing and in
2-15 operation prior to September 1, 2009;
2-16 (12) the Loop 49 project from U.S. Highway 69 north of
2-17 Lindale to State Highway 110 in Smith County; or
2-18 (13) the U.S. Highway 281 project in Bexar County from
2-19 Loop 1604 to the Comal County line and including five direct
2-20 connectors at the Loop 1604/U.S. Highway 281 interchange.
2-21 SECTION 3. This Act takes effect immediately if it receives
2-22 a vote of two-thirds of all the members elected to each house, as
2-23 provided by Section 39, Article III, Texas Constitution. If this
2-24 Act does not receive the vote necessary for immediate effect, this
2-25 Act takes effect September 1, 2009.

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