

BILL ANALYSIS

C.S.S.B. 730
By: Nichols
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Department of Transportation can convert a nontolled state highway or segment of the state highway system to a toll project under provisions relating to a determination by the Texas Transportation Commission, public hearing, county and voter approval, and election to approve a conversion. C.S.S.B. 730 seeks to repeal those provisions and make other changes relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 730 amends the Transportation Code to specify that the prohibition against the Texas Department of Transportation (TxDOT) transferring a highway or segment to another entity for operation as a toll project applies to a nontolled highway or segment. The bill specifies that the exception to the prohibition against TxDOT operating a nontolled state highway or a segment of a nontolled state highway as a toll project and transferring a nontolled highway or segment to another entity for operation as a toll project based on the construction of a facility adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion applies to such a facility that has access, function, and control devices similar to the converted highway or segment before conversion.

C.S.S.B. 730 removes the exception to the prohibition for the following: a highway or segment open to traffic as a turnpike project on or before September 1, 2005; a project designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005; and a highway or segment converted to a toll facility by the Texas Transportation Commission under provisions relating to commission determination, public hearing, county and voter approval, and election to approve a conversion, all of which the bill repeals. The bill makes nonsubstantive and conforming changes.

C.S.S.B. 730 repeals the following sections of the Transportation Code:

- Section 228.202
- Section 228.203
- Section 228.207
- Section 228.208

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 730 differs from the original by specifying that the exception to the prohibition against TxDOT operating a nontolled state highway or a segment of a nontolled state highway as a toll project and transferring a nontolled highway or segment to another entity for operation as a toll project based on the construction of a facility adjacent to the highway or segment so that the number of nontolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion applies to such a facility that has access, function, and control devices similar to the converted highway or segment before conversion, whereas the original makes no such specification.