

BILL ANALYSIS

Senate Research Center
83R27634 JAM-D

C.S.S.B. 1029
By: Campbell
Transportation
5/9/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1029 amends current law relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 228.201, Transportation Code, as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. (a) Prohibits the Texas Department of Transportation (TxDOT) from operating a nontolled state highway or a segment of a nontolled state highway as a toll project, and prohibits TxDOT from transferring a highway or segment to another entity for operation as a toll project, unless:

- (1) the Texas Transportation Commission (TTC) by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;
- (2) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;
- (3) 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;
- (4) a facility is constructed 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; or
- (5) subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005.

Deletes existing text of Subsection (a) prohibiting TxDOT, except as provided by Section 228.2015, from operating a nontolled state highway or a segment of a nontolled state highway as a toll project, and prohibiting TxDOT from transferring a highway or segment to another entity for operation as a toll project, unless the highway or segment was open to traffic as a turnpike project on or before September 1, 2005; or TTC converts the highway or segment to a toll facility by making the determination required by Section 228.202 (Commission Determination), conducting the hearing required by Section 228.203 (Public Hearing), and obtaining county and voter approval as required by Sections 228.207 (County and Vote Approval) and 228.208 (Election to Approve Conversion). Makes nonsubstantive changes.

(b) Authorizes TxDOT to operate or transfer a high-occupancy vehicle lane under Subsection (a)(5), rather than under Subsection (a)(6) (relating to prohibiting TxDOT from operating a nontolled state highway or a segment of a nontolled state highway as a toll project, and prohibiting TxDOT from transferring a highway or segment to another entity for operation as a toll project, unless subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005), as a tolled lane only if TxDOT or other entity operating the lane allows vehicles occupied by a specified number of passengers to use the lane without paying a toll.

SECTION 2. Repealers: Sections 228.202 (Commission Determination), 228.203 (Public Hearing), 228.207 (County and Voter Approval), and 228.208 (Election to Approve Conversion), Transportation Code.

SECTION 3. Effective date: upon passage or September 1, 2013.