

By: Lavender

H.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on converting a nontolled state highway or segment of the state highway system to a toll project.

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

SECTION 1. Section 228.201, Transportation Code, is amended to read as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. The ~~[(a) Except as provided by Section 228.2015, the]~~ department may not operate a nontolled state highway or a segment of a nontolled state highway as a toll project, and may not transfer a nontolled highway or segment to another entity for operation as a toll project ~~[, unless:~~

~~[(1) the commission by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded,~~

~~[(2) the highway or segment was open to traffic as a turnpike project on or before September 1, 2005,~~

~~[(3) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005,~~

~~[(4) 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,~~

~~[(5) a facility is constructed adjacent to the highway~~

1 ~~or segment so that the number of nontolled lanes on the converted~~
2 ~~highway or segment and the adjacent facility together is greater~~
3 ~~than or equal to the number in existence on the converted highway or~~
4 ~~segment before the conversion;~~

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

8 ~~[(7) the commission converts the highway or segment to~~
9 ~~a toll facility by:~~

10 ~~[(A) making the determination required by~~
11 ~~Section 228.202;~~

12 ~~[(B) conducting the hearing required by Section~~
13 ~~228.203; and~~

14 ~~[(C) obtaining county and voter approval as~~
15 ~~required by Sections 228.207 and 228.208].~~

16 ~~[(b) The department may operate or transfer a~~
17 ~~high-occupancy vehicle lane under Subsection (a)(6) as a tolled~~
18 ~~lane only if the department or other entity operating the lane~~
19 ~~allows vehicles occupied by a specified number of passengers to use~~
20 ~~the lane without paying a toll.]~~

21 SECTION 2. Sections 228.202, 228.203, 228.204, 228.205,
22 228.206, 228.207, and 228.208, Transportation Code, are repealed.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.