

Amend CSHB 13 (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) 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 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 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;  
or

(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 Subsections [~~Subsection~~] (b) and (c), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005.

(c) The department may not operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane if the lane is part of U.S. Highway 75.