

By: Taylor of Collin

S.B. No. 1238

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on converting certain segments or lanes of a state highway to toll projects or managed lanes.

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

SECTION 1. Subchapter F, Chapter 224, Transportation Code, is amended by adding Section 224.1525 to read as follows:

Sec. 224.1525. LIMITATION ON MANAGED LANES. (a) In this section, "managed lane" means a lane of a highway the use of which is restricted to increase the efficiency of the highway. The term includes exclusive lanes, high occupancy vehicle lanes, and toll lanes.

(b) The department may not:

(1) operate an unrestricted lane of a state highway as a managed lane, and may not transfer an unrestricted lane to another entity for operation as a managed lane; or

(2) operate a managed lane other than a tolled lane of a state highway as a toll lane, and may not transfer a managed lane other than a tolled lane to another entity for operation as a toll lane.

SECTION 2. Section 228.201, Transportation Code, is amended to read as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION.

~~(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

1 transfer a nontolled highway or segment to another entity for
2 operation as a toll project [~~, unless:~~

3 ~~(1) the commission by order designated the highway or~~
4 ~~segment as a toll project before the contract to construct the~~
5 ~~highway or segment was awarded;~~

6 ~~(2) the project was designated as a toll project in a~~
7 ~~plan or program of a metropolitan planning organization on or~~
8 ~~before September 1, 2005;~~

9 ~~(3) the highway or segment is reconstructed so that~~
10 ~~the number of nontolled lanes on the highway or segment is greater~~
11 ~~than or equal to the number in existence before the reconstruction;~~

12 ~~(4) a facility is constructed adjacent to the highway~~
13 ~~or segment so that the number of nontolled lanes on the converted~~
14 ~~highway or segment and the adjacent facility together is greater~~
15 ~~than or equal to the number in existence on the converted highway or~~
16 ~~segment before the conversion; or~~

17 ~~(5) subject to Subsection (b), the highway or segment~~
18 ~~was open to traffic as a high-occupancy vehicle lane on May 1,~~
19 ~~2005].~~

20 ~~(b) The department may operate or transfer a~~
21 ~~high-occupancy vehicle lane under Subsection (a)(5) as a tolled~~
22 ~~lane only if the department or other entity operating the lane~~
23 ~~allows vehicles occupied by a specified number of passengers to use~~
24 ~~the lane without paying a toll.]~~

25 SECTION 3. Sections 228.204 and 228.206, Transportation
26 Code, are repealed.

27 SECTION 4. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.