

Amend CSSB 312 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. 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 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 Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005].~~

(b) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway; and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway. ~~[The department may operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane only if the department or other entity operating the lane allows vehicles occupied by a~~

~~specified number of passengers to use the lane without paying a toll.]~~

SECTION \_\_\_\_\_. Section 228.201, Transportation Code, as amended by this Act, applies only to project to convert a nontolled highway segment to a tolled highway segment for which construction begins on or after the effective date of this Act. A conversion project for which construction begins before the effective date of this Act is governed by the law in effect when the construction began, and the former law is continued in effect for that purpose.