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FLOOR AMENDMENT NO. HOUSE OF REPRESENTATIVES

BY: CAIN

1 Amend C.S.S.B. No. 312 (house committee report) by adding  
2 the following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Section 228.201, Transportation Code, is  
5 amended to read as follows:

6 Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION.

7 (a) The department may not operate a nontolled state highway or  
8 a segment of a nontolled state highway as a toll project, and  
9 may not transfer a highway or segment to another entity for  
10 operation as a toll project, unless:

11 (1) the commission by order designated the highway or  
12 segment as a toll project before the contract to construct the  
13 highway or segment was awarded;

14 (2) the project was designated as a toll project in a  
15 plan or program of a metropolitan planning organization on or  
16 before September 1, 2005;

17 (3) the highway or segment is reconstructed so that  
18 the number of nontolled lanes on the highway or segment is  
19 greater than or equal to the number in existence before the  
20 reconstruction; or

21 (4) a facility is constructed adjacent to the highway  
22 or segment so that the number of nontolled lanes on the  
23 converted highway or segment and the adjacent facility together  
24 is greater than or equal to the number in existence on the  
25 converted highway or segment before the conversion[~~+~~ ~~or~~

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

29 (b) In determining the number of nontolled lanes required

1 to comply with Subsection (a)(3), the department:

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

4 (2) may not consider a lane of a frontage road to be  
5 a nontolled lane before or after reconstruction of the highway.

6 ~~[The department may operate or transfer a high-occupancy vehicle~~  
7 ~~lane under Subsection (a)(5) as a tolled lane only if the~~  
8 ~~department or other entity operating the lane allows vehicles~~  
9 ~~occupied by a specified number of passengers to use the lane~~  
10 ~~without paying a toll.]~~

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