

By: Taylor of Collin

S.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on converting state highway lanes to tolled or other types of managed lanes.

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

SECTION 1. Section 224.151(9), Transportation Code, is amended to read as follows:

(9) "Restricted lane" or "managed lane" means a lane whose use or access is restricted to increase the efficiency of the highway. The term includes:

(A) a high occupancy vehicle lane;

(B) a toll lane under Section 228.007; and

(C) an exclusive lane.

SECTION 2. Subchapter F, Chapter 224, Transportation Code, is amended by adding Section 224.1525 to read as follows:

Sec. 224.1525. LIMITATION ON MANAGED LANES. The department may not 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.

SECTION 3. Section 224.1541(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 224.1525, the ~~[The]~~ commission by order may designate and the department may finance, design, construct, operate, or maintain one or more lanes of a state highway facility as exclusive lanes.

SECTION 4. The heading to Subchapter E, Chapter 228, Transportation Code, is amended to read as follows:

SUBCHAPTER E. ~~[LIMITATION ON TOLL FACILITY DETERMINATION,]~~

CONVERSION OF NONTOLLED STATE HIGHWAY

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

Sec. 228.201. PROHIBITION ON CONVERSION OF NONTOLLED STATE HIGHWAY ~~[LIMITATION ON TOLL FACILITY DESIGNATION]~~. ~~[(a)]~~ The department may not operate all or part of a nontolled state highway, including a nontolled exclusive lane, high-occupancy vehicle lane, or other restricted or managed lane ~~[or a segment of a nontolled state highway]~~ as a toll project, and may not transfer all or part of 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 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,~~

~~[(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~~

1 ~~segment before the conversion; or~~

2 ~~[(5) subject to Subsection (b), the highway or segment~~
3 ~~was open to traffic as a high-occupancy vehicle lane on May 1,~~
4 ~~2005].~~

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

10 SECTION 6. Sections [228.204](#) and [228.206](#), Transportation
11 Code, are repealed.

12 SECTION 7. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section [39](#), Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.