

By: Krause

H.B. No. 1951

A BILL TO BE ENTITLED

AN ACT

relating to the development, construction, and operation of toll projects; authorizing an administrative fee; imposing a civil penalty.

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

ARTICLE 1. COMPREHENSIVE DEVELOPMENT AGREEMENTS FOR CERTAIN TOLL PROJECTS

SECTION 1.01. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.2014 to read as follows:

Sec. 223.2014. AUTHORIZED PROJECTS. (a) The department may enter into a comprehensive development agreement for a project described by Section 223.201(a)(1) or (2) if:

(1) the estimated capital costs for construction of the project exceeds \$1 billion; and

(2) the department demonstrates that state funding for the project is not available without significant reprioritization of existing funds that are designated for other highway improvement projects.

(b) The department may enter into not more than two comprehensive development agreements under this section during each fiscal year.

SECTION 1.02. Section 223.201(b), Transportation Code, is transferred to Subchapter E, Chapter 223, Transportation Code, redesignated as Section 223.2001, Transportation Code, and amended

1 to read as follows:

2 Sec. 223.2001. DEFINITION. [~~(b)~~] In this subchapter,  
3 "comprehensive development agreement" means an agreement that, at a  
4 minimum, provides for the design and construction, reconstruction,  
5 rehabilitation, expansion, or improvement of a project described in  
6 Section 223.201(a) [~~Subsection (a)~~] and may also provide for the  
7 financing, acquisition, maintenance, or operation of a project  
8 described in that section [~~Subsection (a)~~].

9 SECTION 1.03. Subchapter E, Chapter 223, Transportation  
10 Code, is amended by adding Section 223.2002 to read as follows:

11 Sec. 223.2002. LIMITATION. The department may enter into a  
12 comprehensive development agreement only:

- 13 (1) for projects authorized under this subchapter; or  
14 (2) as provided by Subchapter F.

15 SECTION 1.04. Sections 223.201(f) and (g), Transportation  
16 Code, are amended to read as follows:

17 (f) The department may enter into a comprehensive  
18 development agreement [~~only~~] for all or part of[+]

19 [~~(1)~~] the State Highway 99 (Grand Parkway) project[+]  
20 [~~(2)~~] ~~the Interstate Highway 35E managed lanes project~~  
21 ~~in Dallas and Denton Counties from Interstate Highway 635 to U.S.~~  
22 ~~Highway 380,~~

23 [~~(3)~~] ~~the Interstate Highway 35W project in Tarrant~~  
24 ~~County from Interstate Highway 30 to State Highway 114,~~

25 [~~(4)~~] ~~the State Highway 183 managed lanes project in~~  
26 ~~Tarrant and Dallas Counties from State Highway 121 to Interstate~~  
27 ~~Highway 35E,~~

1           ~~[(5) the Interstate Highway 35E/U.S. Highway 67~~  
2 ~~Southern Gateway project in Dallas County, including:~~

3                   ~~[(A) Interstate Highway 35E from 8th Street to~~  
4 ~~Interstate Highway 20; and~~

5                   ~~[(B) U.S. Highway 67 from Interstate Highway 35E~~  
6 ~~to Farm-to-Market Road 1382 (Belt Line Road);~~

7           ~~[(6) the State Highway 288 project from U.S. Highway~~  
8 ~~59 to south of State Highway 6 in Brazoria County and Harris County;~~

9           ~~[(7) the U.S. Highway 290 managed lanes project in~~  
10 ~~Harris County from Interstate Highway 610 to State Highway 99;~~

11           ~~[(8) the Interstate Highway 820 project from State~~  
12 ~~Highway 183 to Randol Mill Road;~~

13           ~~[(9) the State Highway 114 project in Dallas County~~  
14 ~~from State Highway 121 to State Highway 183;~~

15           ~~[(10) the Loop 12 project in Dallas County from State~~  
16 ~~Highway 183 to Interstate Highway 35E;~~

17           ~~[(11) the Loop 9 project in Dallas and Ellis Counties~~  
18 ~~from Interstate Highway 20 to U.S. Highway 67; and~~

19           ~~[(12) the U.S. Highway 181 Harbor Bridge project in~~  
20 ~~Nueces County between U.S. Highway 181 at Beach Avenue and~~  
21 ~~Interstate Highway 37].~~

22           (g) The department may combine in a comprehensive  
23 development agreement under this subchapter:

24                   (1) a toll project and a rail facility as defined by  
25 Section 91.001; or

26                   (2) two or more projects for which the department is  
27 authorized under this subchapter to enter into a comprehensive

1 development agreement [~~described by Subsection (f)~~].

2 SECTION 1.05. Section 223.2012(a), Transportation Code, is  
3 amended to read as follows:

4 (a) In this section, the North Tarrant Express project is  
5 the project on Interstate Highway 35W in Tarrant County from  
6 Interstate Highway 30 to State Highway 114 that was [~~described by~~  
7 ~~Section 223.201(f)(3)~~] entered into on June 23, 2009.

8 SECTION 1.06. The following provisions of the  
9 Transportation Code are repealed:

10 (1) Sections 223.201(i), (j), (k), (l), and (m); and

11 (2) Section 223.2011.

12 ARTICLE 2. VOTER APPROVAL OF TOLL PROJECT

13 SECTION 2.01. Subchapter B, Chapter 372, Transportation  
14 Code, is amended by adding Section 372.054 to read as follows:

15 Sec. 372.054. VOTER APPROVAL OF TOLL PROJECT REQUIRED;  
16 ELECTION. (a) Notwithstanding any other provision of law, a toll  
17 project entity may not construct or operate a toll project unless  
18 the project is approved by a majority of voters voting in all  
19 counties at an election held for that purpose.

20 (b) On request of a toll project entity, the commissioners  
21 court of each county in which a portion of a toll project is to be  
22 located shall order an election under this section, provided that  
23 the election may not be ordered until the entity has finalized the  
24 scope of the project, including:

25 (1) the route of the project;

26 (2) the number of lanes of the project or, if the  
27 project is an improvement, extension, or expansion of an existing

1 highway, the number of new or modified lanes;

2 (3) the number of tolled lanes added by the project;

3 and

4 (4) the method of financing for the project.

5 (c) An election under this section must be held on the first  
6 November uniform election date that allows sufficient time to  
7 comply with other requirements of law.

8 (d) The ballot at an election held under this section must  
9 state specific information about the toll project, including:

10 (1) the information described by Subsections  
11 (b)(1)-(4); and

12 (2) for each tolled lane added by the project, whether  
13 the toll charged will be at a variable or static toll rate.

14 (e) The toll project entity shall contract with each county  
15 in which a portion of the toll project is to be located in a manner  
16 prescribed by Subchapter D, Chapter 31, Election Code.

17 (f) At an election under this section, the ballot must be  
18 printed to provide for voting for or against the approval of the  
19 toll project.

20 (g) An election under this section may not be held earlier  
21 than the fifth anniversary of the date of a previous election to  
22 approve the same or substantially similar toll project, provided  
23 that an election under this section may be held for a different toll  
24 project regardless of whether the project involves the same toll  
25 project entity or some or all of the counties involved in a previous  
26 election held under this section.

27 SECTION 2.02. Section 372.054, Transportation Code, as

1 added by this article, applies only to a toll project for which a  
2 contract for financing, construction, or operation is entered into  
3 on or after the effective date of this Act.

4 ARTICLE 3. PAYMENT OF TOLLS

5 SECTION 3.01. Chapter 372, Transportation Code, is amended  
6 by adding Subchapter B-1 to read as follows:

7 SUBCHAPTER B-1. TOLL COLLECTION AND ENFORCEMENT

8 Sec. 372.071. DEFINITION. In this subchapter, "registered  
9 owner" means an owner as defined by Section 502.001.

10 Sec. 372.072. TOLL PAYMENT REQUIRED; EMERGENCY VEHICLES  
11 EXEMPT. (a) The operator of a vehicle, other than an authorized  
12 emergency vehicle as defined by Section 541.201, that is driven or  
13 towed through a toll collection facility of a toll project shall pay  
14 the proper toll. The exemption from payment of a toll for an  
15 authorized emergency vehicle applies regardless of whether the  
16 vehicle is:

- 17 (1) responding to an emergency;  
18 (2) displaying a flashing light; or  
19 (3) marked as an emergency vehicle.

20 (b) Notwithstanding Subsection (a), a toll project entity  
21 may waive the requirement of the payment of a toll or may authorize  
22 the payment of a reduced toll for any vehicle or class of vehicles.

23 Sec. 372.073. TOLL NOT PAID AT TIME OF USE; INVOICE. (a) As  
24 an alternative to requiring payment of a toll at the time a vehicle  
25 is driven or towed through a toll collection facility, a toll  
26 project entity shall use video billing or other tolling methods to  
27 permit the registered owner of the vehicle to pay the toll at a

1 later date.

2 (b) A toll project entity may use automated enforcement  
3 technology, including video recordings, photography, electronic  
4 data, and transponders, or other tolling methods to identify the  
5 registered owner of the vehicle for purposes of billing,  
6 collection, and enforcement activities.

7 (c) A toll project entity shall send by first class mail to  
8 the registered owner of a vehicle a written invoice containing an  
9 assessment for tolls incurred by the vehicle.

10 (d) A toll project entity shall send the invoice required  
11 under Subsection (c) and related communications to:

12 (1) the registered owner's address as shown in the  
13 vehicle registration records of the Texas Department of Motor  
14 Vehicles or the analogous department or agency of another state or  
15 country; or

16 (2) an alternate address provided by the owner or  
17 derived through other reliable means.

18 (e) A toll project entity may provide that the invoice  
19 required under Subsection (c), instead of being sent by first class  
20 mail, be sent as an electronic record to a registered owner that  
21 agrees to the terms of the electronic record transmission of the  
22 information.

23 Sec. 372.074. INVOICE REQUIREMENTS; PAYMENT DUE DATE. An  
24 invoice containing an assessment for the use of a toll project must:

25 (1) require payment not later than the 30th day after  
26 the date the invoice is mailed; and

27 (2) conspicuously state:

- 1           (A) the amount due;  
2           (B) the date by which the amount due must be paid;  
3           (C) that failure to pay the amount due in the  
4 required period will result in the assessment of an administrative  
5 fee; and  
6           (D) that failure to pay two or more invoices will  
7 result in a civil penalty.

8       Sec. 372.075. PAYMENT OF TOLL INVOICE; ADMINISTRATIVE FEE.

9       (a) A person who receives an invoice under this subchapter for the  
10 use of a toll project shall, not later than the due date specified  
11 in the invoice:

- 12           (1) pay the amount owed as stated in the invoice; or  
13           (2) send a written request to the toll project entity  
14 for a review of the toll assessments contained in the invoice.

15       (b) If a person fails to comply with Subsection (a), a toll  
16 project entity may add an administrative fee, not to exceed \$6, to  
17 the amount the person owes. The toll project entity:

- 18           (1) must set the administrative fee by rule in an  
19 amount that does not exceed the cost of collecting the toll; and  
20           (2) may not charge a person more than \$48 in  
21 administrative fees in a 12-month period.

22       (c) A toll project entity other than a county under Chapter  
23 284 may contract, in accordance with Section 2107.003, Government  
24 Code, with a person to collect the unpaid toll and any applicable  
25 administrative fee before referring the matter to a court with  
26 jurisdiction over a civil penalty under Section 372.076.

27       Sec. 372.076. CIVIL PENALTY FOR FAILURE TO PAY TWO OR MORE



1 INVOICES. (a) A person who receives two or more invoices for  
2 unpaid tolls and who has not paid the amounts due on or before the  
3 due dates specified in the invoices is subject to a civil penalty of  
4 \$25. Only one civil penalty may be assessed in a six-month period.  
5 An appropriate district or county attorney may sue to collect the  
6 civil penalty and the underlying toll and administrative fee.

7 (b) In determining liability for a civil penalty under this  
8 section, it is presumed that the unpaid invoices were received on  
9 the fifth day after the date of mailing.

10 (c) It is a defense to liability for a civil penalty under  
11 this section that the person:

12 (1) is not liable for payment of each toll assessed in  
13 the unpaid invoices; or

14 (2) paid the amount owed in the invoices pertaining to  
15 each toll assessed in the invoices that the person is liable for.

16 (d) The court in which a person is found liable for a civil  
17 penalty under Subsection (a) shall collect the civil penalty,  
18 unpaid tolls, administrative fees, and any additional court costs  
19 and forward the amounts to the appropriate toll project entity.

20 Sec. 372.077. EXCEPTIONS TO TOLL LIABILITY: LEASED,  
21 TRANSFERRED, OR STOLEN VEHICLE. (a) It is an exception to  
22 liability of a vehicle's registered owner for a toll incurred by the  
23 vehicle if the registered owner of the vehicle is a lessor of the  
24 vehicle and not later than the 30th day after the date the invoice  
25 containing an assessment of the toll is mailed provides to the  
26 appropriate toll project entity:

27 (1) a copy of the rental, lease, or other contract

1 document covering the vehicle on the date the toll was incurred,  
2 with the name and address of the lessee clearly legible; or

3 (2) electronic data, in a format agreed on by the toll  
4 project entity and the lessor, other than a photocopy or scan of a  
5 rental or lease contract, that contains the information required  
6 under Sections 521.460(c)(1), (2), and (3) covering the vehicle on  
7 the date the toll was incurred.

8 (b) If the lessor provides the required information within  
9 the period prescribed under Subsection (a), the toll project entity  
10 may send an invoice to the lessee at the address provided under  
11 Subsection (a) by first class mail not later than the 30th day after  
12 the date of receipt of the required information from the lessor.

13 (c) It is an exception to liability of a vehicle's  
14 registered owner for a toll incurred by the vehicle if the  
15 registered owner of the vehicle:

16 (1) transferred ownership of the vehicle to another  
17 person before the toll was incurred;

18 (2) submitted written notice of the transfer to the  
19 Texas Department of Motor Vehicles in accordance with Section  
20 501.147; and

21 (3) not later than the 30th day after the date the  
22 invoice is mailed, provides to the appropriate toll project entity  
23 the name and address of the person to whom the vehicle was  
24 transferred.

25 (d) If the former owner of the vehicle provides the required  
26 information within the period prescribed under Subsection (c), the  
27 toll project entity may send an invoice to the person to whom

1 ownership of the vehicle was transferred at the address provided by  
2 the former owner by first class mail not later than the 30th day  
3 after the date of receipt of the required information from the  
4 former owner.

5 (e) It is an exception to liability of a vehicle's  
6 registered owner for a toll incurred by the vehicle if:

7 (1) the vehicle in question was stolen before the toll  
8 was incurred and was not recovered by the time the toll was  
9 incurred; and

10 (2) the theft was reported to the appropriate law  
11 enforcement authority before the earlier of:

12 (A) the time the toll was incurred; or

13 (B) eight hours after the discovery of the theft.

14 Sec. 372.078. PRESUMPTION. Proof that a vehicle passed  
15 through a toll collection facility without payment of the proper  
16 toll, together with proof that the invoice recipient was the  
17 registered owner or the driver of the vehicle when the toll was  
18 incurred, creates a presumption that the invoice recipient is  
19 liable for the toll incurred by the vehicle. The proof may be by a  
20 written statement of a peace officer or toll project entity  
21 employee, video surveillance, or any other reasonable evidence,  
22 including:

23 (1) evidence obtained by automated enforcement  
24 technology that the toll project entity determines is necessary,  
25 including automated enforcement technology described by Section  
26 372.073(b); or

27 (2) a copy of the rental, lease, or other contract

1 document or the electronic data provided to the toll project entity  
2 under Section 372.077(a) that shows that the invoice recipient was  
3 the lessee of the vehicle when the toll was incurred.

4 Sec. 372.079. CONFIDENTIALITY OF INFORMATION RELATED TO  
5 TOLL COLLECTION AND ENFORCEMENT. Information collected for the  
6 purposes of this subchapter, including contact, payment, and other  
7 account information and trip data, is confidential and not subject  
8 to disclosure under Chapter 552, Government Code.

9 SECTION 3.02. Section 102.0213, Government Code, is amended  
10 to read as follows:

11 Sec. 102.0213. COURT COSTS ON CONVICTION: TRANSPORTATION  
12 CODE. A person convicted of an offense shall pay the following  
13 under the Transportation Code, in addition to all other costs:

14 (1) court cost on conviction of a misdemeanor under  
15 Subtitle C, Title 7, Transportation Code (Sec. 542.403,  
16 Transportation Code) . . . \$3;

17 (2) cost for impoundment of vehicle (Sec. 601.263,  
18 Transportation Code) . . . \$15 per day; and

19 (3) a civil [~~and criminal~~] enforcement cost on a  
20 finding of liability for a civil penalty in connection with an  
21 assessed [~~conviction of an offense of, or related to, the~~  
22 ~~nonpayment of a~~] toll in certain counties (Sec. 284.2031,  
23 Transportation Code) . . . \$1.

24 SECTION 3.03. Section 228.059, Transportation Code, is  
25 amended to read as follows:

26 Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER  
27 ENTITY. An entity operating a toll lane pursuant to Section

1 228.007(b) has, with regard to toll collection and enforcement for  
2 that toll lane, the same powers and duties as the department under  
3 this chapter and Subchapter B-1, Chapter 372. The entity may use  
4 revenues for improvement, extension, expansion, or maintenance of  
5 the toll lane.

6 SECTION 3.04. The heading to Subchapter D, Chapter 284,  
7 Transportation Code, is amended to read as follows:

8 SUBCHAPTER D. MISCELLANEOUS TOLL COLLECTION PROVISIONS

9 [~~UNAUTHORIZED USE OF TOLL ROADS IN CERTAIN COUNTIES~~]

10 SECTION 3.05. The heading to Section 284.2031,  
11 Transportation Code, is amended to read as follows:

12 Sec. 284.2031. CIVIL [~~AND CRIMINAL~~] ENFORCEMENT COST.

13 SECTION 3.06. Section 284.2031(a), Transportation Code, is  
14 amended to read as follows:

15 (a) A county may impose, in addition to other costs, \$1 as a  
16 court cost on the imposition of a civil penalty [~~conviction to a~~  
17 ~~defendant convicted of an offense~~] under Section 372.076 [~~284.070,~~  
18 ~~284.0701, or 284.203~~] in an action brought by the county or district  
19 attorney.

20 SECTION 3.07. Subchapter E, Chapter 366, Transportation  
21 Code, is amended by adding Section 366.186 to read as follows:

22 Sec. 366.186. OTHER POWERS AND DUTIES RELATED TO TOLL  
23 COLLECTION AND ENFORCEMENT. In addition to the other powers and  
24 duties provided by this chapter and Chapter 372, an authority has  
25 the same powers and duties as the department under Chapter 228, a  
26 county under Chapter 284, and a regional mobility authority under  
27 Chapter 370 regarding the authority's toll collection and

1 enforcement powers for:

2 (1) the authority's turnpike projects; and

3 (2) other toll projects developed, financed,  
4 constructed, or operated under an agreement, including a  
5 comprehensive development agreement, with the authority.

6 SECTION 3.08. Subchapter E, Chapter 370, Transportation  
7 Code, is amended by adding Section 370.194 to read as follows:

8 Sec. 370.194. OTHER POWERS AND DUTIES RELATED TO TOLL  
9 COLLECTION AND ENFORCEMENT. In addition to the other powers and  
10 duties provided by this chapter and Chapter 372, an authority has  
11 the same powers and duties as the department under Chapter 228, a  
12 county under Chapter 284, and a regional tollway authority under  
13 Chapter 366 regarding the authority's toll collection and  
14 enforcement powers for:

15 (1) the authority's turnpike projects; and

16 (2) other toll projects developed, financed,  
17 constructed, or operated under an agreement with the authority or  
18 another entity.

19 SECTION 3.09. The heading to Subchapter C, Chapter 372,  
20 Transportation Code, is amended to read as follows:

21 SUBCHAPTER C. ADDITIONAL REMEDIES AND PROCEDURES FOR NONPAYMENT OF  
22 TOLLS: CERTAIN TOLL PROJECT ENTITIES [~~REMEDIES~~]

23 SECTION 3.10. Section 372.102(a), Transportation Code, is  
24 amended to read as follows:

25 (a) Notwithstanding the confidentiality of electronic toll  
26 collection customer account information, including confidentiality  
27 under Sections 228.057(e), [~~366.178(b-1)~~], 366.179(d),

1 ~~[370.177(m), and]~~ 370.178(d), and 372.079, a toll project entity  
2 may publish a list of the names of the registered owners or lessees  
3 of nonpaying vehicles who at the time of publication are liable for  
4 the payment of past due and unpaid tolls or administrative fees.  
5 The list may include only the persons' names and, for each person  
6 listed:

- 7 (1) the city and state of the person's residence;  
8 (2) the total number of events of nonpayment; and  
9 (3) the total amount due for the tolls and  
10 administrative fees.

11 SECTION 3.11. The heading to Section 372.105,  
12 Transportation Code, is amended to read as follows:

13 Sec. 372.105. INVOICES PROVIDED IN PERSON FOR USE OF TOLL  
14 PROJECT ~~[NONPAYMENT]~~ BY VEHICLES NOT REGISTERED IN THIS STATE.

15 SECTION 3.12. Sections 372.105(a) and (b), Transportation  
16 Code, are amended to read as follows:

17 (a) A toll project entity may, in lieu of mailing an invoice  
18 ~~[a written notice of nonpayment]~~, serve with an invoice ~~[a written~~  
19 ~~notice of nonpayment]~~ in person an owner of a vehicle that is not  
20 registered in this state, including the owner of a vehicle  
21 registered in another state of the United States, the United  
22 Mexican States, a state of the United Mexican States, or another  
23 country or territory. An invoice ~~[A notice of nonpayment]~~ may also  
24 be served by an employee of a governmental entity operating an  
25 international bridge at the time a vehicle with a record of  
26 nonpayment seeks to enter or leave this state.

27 (b) An invoice ~~[Each written notice of nonpayment]~~ issued

1 under Subsection (a) must be paid not later than the due date  
2 specified in the invoice [~~shall include a warning that the failure~~  
3 ~~to pay the amounts in the notice may result in the toll project~~  
4 ~~entity's exercise of the habitual violator remedies under this~~  
5 ~~subchapter~~].

6 SECTION 3.13. Section 541.201(13-a), Transportation Code,  
7 is amended to read as follows:

8 (13-a) "Police vehicle" means a vehicle used by a  
9 peace officer, as defined by Article 2.12, Code of Criminal  
10 Procedure, for law enforcement purposes that:

11 (A) is owned or leased by a governmental entity;

12 (B) is owned or leased by the police department  
13 of a private institution of higher education that commissions peace  
14 officers under Section 51.212, Education Code; or

15 (C) is:

16 (i) a private vehicle owned or leased by the  
17 peace officer; and

18 (ii) approved for use for law enforcement  
19 purposes by the head of the law enforcement agency that employs the  
20 peace officer, or by that person's designee, provided that use of  
21 the private vehicle must, if applicable, comply with any rule  
22 adopted by the commissioners court of a county under Section  
23 170.001, Local Government Code, and that the private vehicle may  
24 not be considered an authorized emergency vehicle for exemption  
25 purposes under Section 372.072 [~~228.054, 284.070, 366.178, or~~  
26 ~~370.177~~], Transportation Code, unless the vehicle is marked.

27 SECTION 3.14. The following provisions of the



1 Transportation Code are repealed:

2 (1) Sections 228.001(3-a), 228.054, 228.0545,  
3 228.0546, 228.0547, 228.055, and 228.056;

4 (2) Sections 284.070, 284.0701, 284.0702, 284.202,  
5 284.203, 284.2031(b), 284.2032, 284.204, 284.205, 284.206,  
6 284.207, 284.208, 284.209, 284.210, 284.211, and 284.212;

7 (3) Section 366.178;

8 (4) Section 370.177;

9 (5) Sections 372.105(c), (d), (e), and (f);

10 (6) Sections 372.106, 372.107, 372.108, 372.109,  
11 372.110, 372.111, 372.112, 372.113, 372.114, and 372.115; and

12 (7) Section 502.011.

13 SECTION 3.15. The changes in law made by this article apply  
14 only to a toll incurred on or after the effective date of this Act.  
15 A toll incurred before the effective date of this Act is governed by  
16 the law in effect on the date the toll was incurred, and the former  
17 law is continued in effect for that purpose.

18 ARTICLE 4. CESSATION OF TOLLS

19 SECTION 4.01. Chapter 372, Transportation Code, is amended  
20 by adding Subchapter D to read as follows:

21 SUBCHAPTER D. CESSATION OF TOLLS

22 Sec. 372.151. DEFINITION. In this subchapter, "toll  
23 cessation date" means the date on which a project is scheduled to  
24 become a part of the state highway system maintained by the  
25 commission under Section 372.153.

26 Sec. 372.152. PROJECTED TOLL CESSATION DATE REQUIRED. The  
27 governing body of a toll project entity may not adopt a plan for the

1 construction of a toll project unless the plan includes a projected  
2 toll cessation date.

3 Sec. 372.153. CESSATION OF TOLLS AFTER BOND REQUIREMENTS  
4 MET. (a) Except as provided by Section 372.154, a toll project  
5 becomes a part of the state highway system and the commission shall  
6 maintain the project without tolls when the costs of acquisition  
7 and construction of the project have been paid and:

8 (1) all of the bonds and interest on the bonds that are  
9 payable from or secured by revenue of the project have been paid by  
10 the issuer of the bonds or another person with the consent or  
11 approval of the issuer; or

12 (2) a sufficient amount for the payment of all bonds  
13 and interest on the bonds to maturity has been set aside by the  
14 issuer of the bonds or another person with the consent or approval  
15 of the issuer in a trust fund held for the benefit of the  
16 bondholders.

17 (b) A toll project entity may not amend a financing or other  
18 agreement in a manner that would extend the date by which a toll  
19 project would become part of the state highway system under  
20 Subsection (a).

21 Sec. 372.154. CONTINUATION OF VARIABLE TOLLS AFTER TOLL  
22 CESSATION DATE. (a) The commission may extend by 10 years a toll  
23 cessation date of a toll project for which a toll project entity  
24 charges a variable toll rate.

25 (b) After an initial extension under this section is  
26 approved, the commission may approve subsequent 10-year extensions  
27 of the toll cessation date for the project.

1        (c) Toll revenue collected on a toll project for which the  
2 toll cessation date has been extended under this section may be used  
3 only for a nontolled highway project in the department  
4 transportation district in which the toll project is located.

5        Sec. 372.155. CESSATION OF TOLLS AFTER EXTENSION OF TOLL  
6 CESSATION DATE. A toll project becomes part of the state highway  
7 system and the commission shall maintain the project without tolls  
8 if a 10-year toll cessation date extension authorized under this  
9 subchapter expires and a succeeding 10-year extension has not been  
10 approved.

11        SECTION 4.02. Sections 228.012(a) and (b), Transportation  
12 Code, are amended to read as follows:

13        (a) The department shall create a separate account in the  
14 state highway fund to hold payments received by the department  
15 under a comprehensive development agreement [~~and the surplus~~  
16 ~~revenue of a toll project or system~~]. The department shall create  
17 subaccounts in the account for each project, system, or  
18 region. Interest earned on money in a subaccount shall be  
19 deposited to the credit of that subaccount.

20        (b) The department shall hold money in a subaccount in trust  
21 for the benefit of the region in which a project or system is  
22 located and may assign the responsibility for allocating money in a  
23 subaccount to a metropolitan planning organization in which the  
24 region is located for projects approved by the department. At the  
25 time the project is approved by the department money shall be  
26 allocated and distributed to projects authorized by Section  
27 228.0055 [~~or Section 228.006, as applicable~~].

1 SECTION 4.03. Section 228.053(f), Transportation Code, is  
2 amended to read as follows:

3 (f) The revenue and disbursements for each toll project or  
4 system shall be kept separately. The revenue from one project may  
5 not be used to pay the cost of another project except as authorized  
6 by Section [~~Sections~~] 228.0055 [~~and 228.006~~].

7 SECTION 4.04. Section 228.104(a), Transportation Code, is  
8 amended to read as follows:

9 (a) The principal of, interest on, and any redemption  
10 premium on bonds issued by the commission under this subchapter are  
11 payable solely from:

12 (1) the revenue of the toll project or system for which  
13 the bonds are issued, including tolls pledged to pay the bonds;

14 (2) the proceeds of bonds issued for the project or  
15 system;

16 (3) the amounts deposited in a debt service reserve  
17 fund as required by the trust agreement securing bonds issued for  
18 the project or system;

19 (4) amounts received under a credit agreement relating  
20 to the project or system for which the bonds are issued; and

21 [~~surplus revenue of another project or system as~~  
22 ~~authorized by Section 228.006, and~~

23 [~~6~~] amounts received by the department:

24 (A) as pass-through tolls under Section 222.104;

25 (B) under an agreement with a local governmental  
26 entity entered into under Section 228.254;

27 (C) under other agreements with a local

1 governmental entity relating to the project or system for which the  
2 bonds are issued; and

3 (D) under a comprehensive development agreement  
4 entered into under Subchapter E, Chapter 223 [~~Section 223.201~~].

5 SECTION 4.05. Section 228.105, Transportation Code, is  
6 amended to read as follows:

7 Sec. 228.105. SOURCES OF PAYMENT OF AND SECURITY FOR TOLL  
8 REVENUE BONDS. Notwithstanding any other provisions of this  
9 subchapter, toll revenue bonds issued by the commission may:

10 (1) be payable from and secured by:

11 (A) payments made under an agreement with a local  
12 governmental entity as provided by Section 228.254;

13 (B) the proceeds of bonds issued for the toll  
14 project or system; or

15 (C) amounts deposited in a debt service reserve  
16 fund as required by the trust agreement securing bonds issued for  
17 the project or system; [~~or~~

18 [~~(D) surplus revenue of another toll project or~~  
19 ~~system as authorized by Section 228.006,~~] and

20 (2) state on their faces any pledge of revenue or taxes  
21 and any security for the bonds under the agreement.

22 SECTION 4.06. Section 366.113(a), Transportation Code, is  
23 amended to read as follows:

24 (a) The principal of, interest on, and any redemption  
25 premium on bonds issued by an authority are payable solely from:

26 (1) the revenue of the turnpike project or system for  
27 which the bonds are issued, including tolls pledged to pay the

1 bonds;

2           (2) payments made under an agreement with the  
3 commission or a local governmental entity as provided by Subchapter  
4 G;

5           (3) money derived from any other source available to  
6 the authority, other than money derived from a turnpike project  
7 that is not part of the same system or money derived from a  
8 different system~~[, except to the extent that the surplus revenue of  
9 a turnpike project or system has been pledged for that purpose]~~;  
10 and

11           (4) amounts received under a credit agreement relating  
12 to the turnpike project or system for which the bonds are issued.

13           SECTION 4.07. Section 370.113(a), Transportation Code, is  
14 amended to read as follows:

15           (a) The principal of, interest on, and any redemption  
16 premium on bonds issued by an authority are payable solely from:

17           (1) the revenue of the transportation project for  
18 which the bonds are issued;

19           (2) payments made under an agreement with the  
20 commission, the department, or other governmental entity as  
21 authorized by this chapter;

22           (3) money derived from any other source available to  
23 the authority, other than money derived from a transportation  
24 project that is not part of the same system or money derived from a  
25 different system, except to the extent that the surplus revenue of a  
26 transportation project or system, other than a turnpike project,  
27 has been pledged for that purpose;

1           (4) amounts received under a credit agreement relating  
2 to the transportation project for which the bonds are issued; and

3           (5) the proceeds of the sale of other bonds.

4           SECTION 4.08. Section 373.003, Transportation Code, is  
5 amended to read as follows:

6           Sec. 373.003. PROJECT OWNED IN PERPETUITY. Unless a toll  
7 project is leased, sold, conveyed, or otherwise transferred to  
8 another governmental entity in accordance with applicable law,  
9 including Sections 228.151, 284.011, 366.036, 366.172, ~~and~~  
10 370.171, 372.153, and 372.155, a toll project procured by the  
11 department or a local toll project entity determined by the process  
12 under Subchapter B is owned by that entity in perpetuity.

13           SECTION 4.09. The following provisions of the  
14 Transportation Code are repealed:

15           (1) Sections 228.006 and 228.109(d);

16           (2) Sections 284.008(c) and (d); and

17           (3) Sections 366.003(9-a), 366.037, 366.071,  
18 366.072(b), and 366.175.

19           SECTION 4.10. Section 372.152, Transportation Code, as  
20 added by this article, applies only to a toll project for which an  
21 initial plan is adopted on or after the effective date of this Act.

22                           ARTICLE 5. EFFECTIVE DATE

23           SECTION 5.01. This Act takes effect September 1, 2019.