

By: Oliverson

H.B. No. 2549

Substitute the following for H.B. No. 2549:

By: Bernal

C.S.H.B. No. 2549

A BILL TO BE ENTITLED

AN ACT

relating to agreements between county toll road authorities and other toll project entities.

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

SECTION 1. Section 228.002, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) An agreement entered into under this section with a county operating under Chapter 284 may provide that a function described by Subsection (a) that is performed by the county is governed by the provisions of Chapter 284 applicable to the performance of the same function for a project under that chapter and the rules and procedures adopted by the county under that chapter, in lieu of the laws, rules, or procedures applicable to the department for the performance of the same function.

SECTION 2. Chapter 284, Transportation Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TOLLING SERVICES

Sec. 284.251. APPLICABILITY. This subchapter applies only to a county with a population of more than 3.3 million.

Sec. 284.252. DEFINITION. In this subchapter, "tolling services" means the tolling services normally provided through a county's back office system and customer service center, including customer service, customer account maintenance, transaction processing, transponder supply, and toll collection and

1 enforcement.

2 Sec. 284.253. TOLLING SERVICES. (a) A county may provide,  
3 for reasonable compensation, tolling services for a toll project in  
4 the county or an adjacent county managed by the department or  
5 another entity, regardless of whether the toll project is  
6 developed, financed, constructed, and operated under an agreement,  
7 including a comprehensive development agreement, with the county or  
8 another entity.

9 (b) A county may agree to provide additional tolling  
10 services in an agreement described in Section 284.255. Additional  
11 tolling services provided under an agreement under Section 284.255  
12 are subject to the provisions that apply to tolling services under  
13 this section.

14 Sec. 284.254. FINANCIAL SECURITY. A county may not provide  
15 financial security, including a cash collateral account, for the  
16 performance of tolling services the county provides under this  
17 subchapter if:

18 (1) the county determines that providing security  
19 could restrict the amount, or increase the cost, of bonds or other  
20 debt obligations the county may subsequently issue under this  
21 chapter or other law; or

22 (2) the county is not reimbursed its cost of providing  
23 the security.

24 Sec. 284.255. WRITTEN AGREEMENT REQUIRED. Before providing  
25 tolling services for a toll project under this subchapter, a county  
26 must enter into a written agreement that sets out the terms and  
27 conditions for the tolling services to be provided and the terms of

1 compensation for those services.

2 Sec. 284.256. TOLL REVENUES. (a) Toll revenues are the  
3 property of the entity that is entitled to the revenues under a  
4 tolling services agreement for the toll project, regardless of who  
5 holds or collects the revenues.

6 (b) Toll revenues that are held or collected by a county  
7 under a tolling services agreement and are not the property of the  
8 county are not subject to a claim adverse to the county or a lien on  
9 or encumbrance against property of the county. Toll revenues that  
10 are the property of the county are not subject to a claim adverse to  
11 any other entity or a lien on or encumbrance against property of any  
12 other entity.

13 Sec. 284.257. TERMINATION FOR DEFAULT. A county may agree  
14 in a tolling services agreement that its right and obligation to  
15 provide tolling services for the applicable toll project under this  
16 subchapter are subject to termination for default and that after a  
17 termination for default this section does not apply to that toll  
18 project.

19 Sec. 284.258. CASH COLLATERAL ACCOUNT. (a) Any public or  
20 private entity, including a county or the department, may agree to  
21 fund a cash collateral account for the purpose of providing money  
22 that may be withdrawn as provided in the tolling services agreement  
23 because of a county's failure to make any payment as required by the  
24 tolling services agreement.

25 (b) A county's written commitment to fully or partially fund  
26 a cash collateral account is conclusive evidence of the county's  
27 determination that the commitment does not violate Section 284.254.

1       (c) The department may use money from any available source  
2 to fund a cash collateral account under this section.

3       Sec. 284.259. PROJECT OF COUNTY. (a) For purposes of toll  
4 collection and enforcement, a toll project for which a county  
5 provides tolling services under a tolling services agreement is  
6 considered a project of the county, including with respect to all  
7 rights and remedies arising under this chapter regarding the  
8 project.

9       (b) Notwithstanding Subsection (a), the county may not  
10 stop, detain, or impound a motor vehicle on the project's active  
11 traffic lanes unless a tolling services agreement addresses that  
12 action.

13       SECTION 3. Subchapter B, Chapter [372](#), Transportation Code,  
14 is amended by adding Section 372.054 to read as follows:

15       Sec. 372.054. TOLLING SERVICES IN CERTAIN COUNTIES. (a) In  
16 this section, "tolling services" has the meaning assigned by  
17 Section 284.252.

18       (b) A toll project entity may not operate a toll project in a  
19 county with a population of more than 3.3 million unless the toll  
20 project entity enters into an agreement under Subchapter E, Chapter  
21 [284](#), for the provision of tolling services for the project.

22       SECTION 4. This Act takes effect September 1, 2019.