

By: Oliverson

H.B. No. 2549

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to provide tolling services for another toll project entity.

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. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.0032 to read as follows:

Sec. 284.0032. TOLLING SERVICES. (a) This section applies only to a county with a population of more than 3.3 million.

(b) In this section, "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 enforcement.

(c) A county may provide, for reasonable compensation,

1 tolling services for a toll project in the county managed by the
2 department or another entity, regardless of whether the toll
3 project is developed, financed, constructed, and operated under an
4 agreement, including a comprehensive development agreement, with
5 the county or another entity. This section does not restrict a
6 county from agreeing to provide additional tolling services in an
7 agreement described in Subsection (e). Additional tolling services
8 provided under an agreement under that subsection are subject to
9 the provisions that apply to tolling services under this section.

10 (d) A county may not provide financial security, including a
11 cash collateral account, for the performance of tolling services
12 the county provides under this section if:

13 (1) the county determines that providing security
14 could restrict the amount, or increase the cost, of bonds or other
15 debt obligations the county may subsequently issue under this
16 chapter or other law; or

17 (2) the county is not reimbursed its cost of providing
18 the security.

19 (e) Before providing tolling services for a toll project
20 under this section, a county must enter into a written agreement
21 that sets out the terms and conditions for the tolling services to
22 be provided and the terms of compensation for those services.

23 (f) Toll revenues are the property of the entity that is
24 entitled to the revenues under a tolling services agreement for the
25 toll project, regardless of who holds or collects the revenues.
26 Toll revenues that are held or collected by a county under a tolling
27 services agreement and are not the property of the county are not

1 subject to a claim adverse to the county or a lien on or encumbrance
2 against property of the county. Toll revenues that are the property
3 of the county are not subject to a claim adverse to any other entity
4 or a lien on or encumbrance against property of any other entity.

5 (g) A county may agree in a tolling services agreement that
6 its right and obligation to provide tolling services for the
7 applicable toll project under this section are subject to
8 termination for default and that after a termination for default
9 this section does not apply to that toll project.

10 (h) Any public or private entity, including a county or the
11 department, may agree to fund a cash collateral account for the
12 purpose of providing money that may be withdrawn as provided in the
13 tolling services agreement because of a county's failure to make
14 any payment as required by the tolling services agreement. A
15 county's written commitment to fully or partially fund a cash
16 collateral account is conclusive evidence of the county's
17 determination that the commitment does not violate Subsection (d).
18 The department may use money from any available source to fund a
19 cash collateral account under this subsection.

20 (i) For purposes of toll collection and enforcement, a toll
21 project for which a county provides tolling services under a
22 tolling services agreement is considered a project of the county,
23 including with respect to all rights and remedies arising under
24 this chapter regarding the project.

25 (j) Notwithstanding Subsection (i), the county may not
26 stop, detain, or impound a motor vehicle on the project's active
27 traffic lanes unless a tolling services agreement addresses that

1 action.

2 SECTION 3. This Act takes effect September 1, 2019.