

## **BILL ANALYSIS**

C.S.H.B. 2549  
By: Oliverson  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that the operation of toll services in Harris County by multiple entities may be inefficient and confusing for road users with regard to invoicing, enforcement, and adjudication procedures. C.S.H.B. 2549 seeks to address these concerns by authorizing an agreement under which Harris County provides tolling services for a toll project in the county that is managed by another entity, such as the Texas Department of Transportation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2549 amends the Transportation Code to authorize a county with a population of more than 3.3 million to provide, for reasonable compensation, tolling services, as defined by the bill, for a toll project in the county or an adjacent county managed by the Texas Department of Transportation (TxDOT) or another entity, regardless of whether the toll project is developed, financed, constructed, and operated under an agreement with a county so authorized or another entity. The bill sets out provisions relating to additional tolling services by such a county, prohibits the county from providing financial security for the performance of county-provided tolling services under certain circumstances, and requires the county, before providing tolling services, to enter into a written agreement that sets out the terms and conditions for the services and related compensation. The bill establishes that the revenues are the property of the entity so entitled under the agreement, regardless of who holds or collects the revenues, and that toll revenues that are held or collected by a county under the agreement and are not the property of the county are not subject to a claim adverse to the county or a lien on or encumbrance against property of the county. Toll revenues that are the property of the county are not subject to a claim adverse to any other entity or a lien on or encumbrance against property of any other entity.

C.S.H.B. 2549 sets out provisions relating to the potential termination of such a county's tolling services rights and obligations in a tolling services agreement and to an agreement for a public or private entity, including a county or TxDOT, to fund a cash collateral account for the purpose of providing money that may be withdrawn because of a county's failure to make any required payment. The bill establishes that a toll project for which such a county provides tolling services under a tolling services agreement is considered the county's project for purposes of toll collection and enforcement, including with respect to all rights and remedies regarding the

project arising under certain related statutory provisions. The bill prohibits the county from stopping, detaining, or impounding a motor vehicle on the project's active traffic lanes unless a tolling services agreement addresses that action.

C.S.H.B. 2549 prohibits a toll project entity from operating a toll project in a county with a population of more than 3.3 million unless the toll project entity enters into an agreement under the bill's provisions for the provision of tolling services for the project.

C.S.H.B. 2549 authorizes an agreement entered into by TxDOT with a county with a population of more than 3.3 million to provide that the county's design, development, financing, construction, maintenance, repair, or operation of a toll project under the agreement is governed by the statutory provisions that are applicable to the performance of the same function for a project under those provisions and the rules and procedures adopted by the county under those provisions, in lieu of the laws, rules, or procedures applicable to TxDOT for the performance of the same function.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2549 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an authorization for a county to provide tolling services for a toll project in an adjacent county managed by TxDOT.

The substitute includes a prohibition against a toll project entity from operating a toll project in a county with a population of more than 3.3 million unless the toll project entity enters into an agreement for the provision of tolling services for the project.