

BILL ANALYSIS

Senate Research Center
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S.B. 1623
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Transportation & Homeland Security
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, county toll roads automatically become part of the state highway system once the bonds for those projects have been paid off. Due to this provision, there has been some confusion as to whether a local toll project is subject to Texas Department of Transportation (TxDOT) planning requirements even in cases where no state or federal funding is used for the project.

As proposed, S.B. 1623 allows a county to request that a project not be designated by the Texas Transportation Commission as part of the state highway system, thereby allowing a county to follow its local planning and construction criteria, rather than the criteria of TxDOT.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 284.001(3), Transportation Code, to redefine "project."

SECTION 2. Amends Section 284.008, Transportation Code, by amending Subsection (c) and adding Subsections (d), (e), (f), (g), and (h), as follows:

(c) Provides an exception as provided by Subsection (d).

(d) Authorizes a county to request that the Texas Transportation Commission (commission) designate a project under this chapter excluded from the state highway system. Requires the commission, if the commission concurs with the request, to adopt a minute order that states that the project is excluded from the state highway system. Provides that the project, thereafter, adhere to certain procedures.

(e) Authorizes a county to transfer to the Texas Department of Transportation (TxDOT) a toll road project that has outstanding bonded indebtedness if the commission agrees to transfer and to assume the outstanding bonded indebtedness.

(f) Authorizes the commission to assume the outstanding bonded indebtedness only if certain criteria apply.

(g) Requires the county, if the commission agrees to the transfer under Subsection (e), to convey the toll road project and any real property acquired to construct or operate the toll road project to TxDOT.

(h) Requires the commission, at the time of a conveyance under this section, to designate the toll road project as part of the state highway system. Provides that after the designation, the county has no liability, responsibility, or duty to maintain or operate the project.

SECTION 3. Amends Section 284.067(3), Transportation Code, to authorize any county, rather than each county, into which the project extends, by condemnation or another method under general law, to acquire the property necessary for the project, provided that a county is

prohibited from condemning property in another county, until after the resolution required by subsection (a) is adopted.

SECTION 4. Amends section 284.066, Transportation Code, by adding Subsection (e), to provide that if the operating board of a project is a local government corporation, or if a local government corporation is acting pursuant this chapter, then a director is eligible to receive certain fess of office and reimbursement of expenses.

SECTION 5. Amends Section 395.001(a), Transportation Code, to provide that this subchapter applies to only to a governing body of a toll road authority in which a county with a population of 2.4 million or more is located or the governing body of a toll road authority in a county adjacent thereto.

SECTION 6. Amends Section 395.051(a), Transportation Code, to make a conforming change.

SECTION 7. Effective date: upon passage or September 1, 2005.