

## **BILL ANALYSIS**

Senate Research Center  
85R3139 JAM-D

S.B. 399  
By: Kolkhorst  
Transportation  
4/13/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the Texas Department of Transportation is prohibited from converting any part of the state highway system into a toll project, unless they meet a statutory exception. One of those exceptions allows a non-tolled highway segment to be converted into a toll project so long as the segment is reconstructed so that the number of non-tolled lanes are greater than or equal to the number of non-tolled lanes before the conversion process. Interested parties contend that some tolling entities use frontage lanes to satisfy the requirement that the number of non-tolled lanes remains the same.

S.B. 399 clears up an unintended loophole abused by some tolling entities by clarifying that frontage lanes do not satisfy the requirement that the number of non-tolled lanes is equal to or greater than the number in existence before the toll was constructed.

As proposed, S.B. 399 amends current law relating to nontolled lanes on a highway that has been converted from a nontolled highway to a toll project.

### **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 228.201, Transportation Code, by adding Subsection (c), as follows:

(c) Authorizes the Texas Department of Transportation (TxDOT), in determining the number of nontolled lanes required to comply with Subsection (a)(3) (relating to prohibiting TxDOT from taking certain actions relating to a nontolled state highway or a segment of a nontolled state highway unless the highway or segment is reconstructed in a certain manner), to consider only a general-purpose lane that is part of the highway. Prohibits TxDOT from including a lane of a frontage road.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.