

## **BILL ANALYSIS**

Senate Research Center

S.B. 1647  
By: Cain  
Infrastructure  
3/22/1999  
As Filed

### **DIGEST**

Currently, there are certain aspects of Chapter 361, Transportation Code, which need clarification regarding the Texas Turnpike Authority Division of the Texas Department of Transportation. This bill grants authority to the Texas Turnpike Authority Division of the Texas Department of Transportation to manage its affairs, clarify certain statutory provisions, and eliminate inconsistencies within the affected provisions.

### **PURPOSE**

As proposed, S.B. 1647 grants authority to the Texas Turnpike Authority Division of the Texas Department of Transportation to manage its affairs, clarify certain statutory provisions, and eliminate inconsistencies within the affected provisions.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to Texas Turnpike Authority Division of the Texas Department of Transportation in SECTION 16 (Section 361.306(a), Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subsection (4), Section 361.001, Transportation Code, to redefine "turnpike project."

SECTION 2. Amends Section 361.004, Transportation Code, to provide that the cost of acquisition of a turnpike project under this chapter includes the cost of the actual acquisition of the project, appraisals, and expenses related to the initial operation of the turnpike project. Authorizes costs attributable to a turnpike project incurred before the insurance of bonds to be reimbursed from the proceeds of sale of the bonds.

SECTION 3. Amends Section 361.031, Transportation Code, by deleting Subsection (c) and amending Subsections (b), (d), (e), (f), and (g), to authorize the Texas Turnpike Authority Division of the Texas Department of Transportation (authority) to perform or procure from other divisions of the Texas Department of Transportation (TxDOT) or outside service providers any portion of services the authority requires for roadway maintenance, toll revenue, collection, or traffic operations. Deletes a provision authorizing the authority to procure certain services. Makes conforming changes.

SECTION 4. Amends Section 361.042(b), Transportation Code, to authorize the authority to adopt rules, rather than if the commission concurs, including without limitation rules establishing speed limits and maximum allowed vehicle and load weight limits for turnpike projects. Authorizes the authority to enter into contracts to, or engage in activities to promote the development and use of turnpike projects, and to form, utilize, and develop Chapter 431 corporations for the promotion and development of turnpike projects. Makes conforming changes.

SECTION 5. Amends Section 361.131, Transportation Code, to provide that the authority, acting by and through the board of directors of the authority (board), has the same powers and is authorized to use the same procedures as TxDOT in acquiring property.

SECTION 6. Amends Sections 361.132(a) and (c), Transportation Code, to authorize the authority, rather than the board, to acquire certain real property. Makes conforming changes.

SECTION 7. Amends Section 361.135(b), Transportation Code, to authorize the board to condemn real property necessary or convenient to mitigate an environmental effect that directly results from the construction, operation, or maintenance of a turnpike project or property necessary to provide proper drainage and ground slope for a turnpike project. Makes conforming changes.

SECTION 8. Amends Section 361.137, Transportation Code, by adding Subsection (f), to require a case to proceed as any other case in eminent domain according to Chapter 21, Property Code, after a declaration of taking is filed with a petition.

SECTION 9. Amends Section 361.141(a), Transportation Code, to prohibit the authority from paying compensation for streets, highways, or alleys it takes.

SECTION 10. Amends Section 361.171, Transportation Code, by adding Subsection (g), to authorize the proceeds of a bond issue to be used to pay the costs incurred prior to the issuance of the bonds, including certain services.

SECTION 11. Amends Section 361.179(a), Transportation Code, to authorize the authority to contract with a person for telecommunications facilities and equipment, in accordance with Chapter 202, Transportation Code.

SECTION 12. Amends Section 361.181(a), Transportation Code, to authorize the authority to pay certain expenses by using funds provided by TxDOT for certain feasibility studies.

SECTION 13. Amends Section 361.182, Transportation Code, by adding Subsection (g), to authorize the Texas Transportation Commission (TTC) to request the authority to conduct a feasibility study for a proposed turnpike. Requires the expenses of the study to be paid for by TxDOT. Requires TxDOT to be reimbursed for funds paid to the authority from certain proceeds, if the turnpike project is constructed.

SECTION 14. Amends Section 361.232(c), Transportation Code, to require the authority to provide access to properties previously abutting certain roads that are taken for a turnpike project, and requires the authority to pay owners of the abutting property the expenses or any damages resulting from denial of access to the road.

SECTION 15. Amends Sections 361.234(d) - (g), Transportation Code, to authorize the authority to reduce the total costs to be paid by the authority under Subsection (b) by 10 percent for each 30-day period or portion of a 30-day period by which the relocation exceeds the limit specified by the authority. Authorizes the authority to remove or relocate a public utility facility at the expense of the facility. Requires all reasonable costs to be paid by the authority if it is determined that a delay in relocation is the result of circumstances beyond the control of the utility. Makes conforming changes.

SECTION 16. Amends 361.306(a), Transportation Code, to require the authority rules to authorize the authority to assess a fee for reviewing proposals for private involvement in turnpike projects.

SECTION 17. Amends Section 545.354, Transportation Code, by deleting Subsection (e) and redesignating former Subsections (f) and (g) as (e) and (f), to delete text regarding turnpike speed limits, and to make conforming changes.

SECTION 18. Amends Section 621.102, Transportation Code, by amending Subsection (a) and adding Subsection (h), to authorize TTC to set certain standards, except as set forth in Subsection (h). Requires the authority to have the authority to set certain maximum load weights. Provides that the authority is subject to restrictions and procedures set forth in this bill.

SECTION 19. Effective date: September 1, 1999.

SECTION 20. Emergency clause.