

## **BILL ANALYSIS**

Senate Research Center  
81R12800 JAM-F

C.S.S.B. 220  
By: Nichols  
Transportation & Homeland Security  
3/19/2009  
Committee Report (Substituted)

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

Current law authorizes the Texas Department of Transportation (TxDOT) to convert an existing non-tolled state highway or segment of a highway into a toll road, if the county commissioners court in which the road exists consents and the conversion is approved by the voters of the affected county or municipality.

C.S.S.B. 220 prohibits TxDOT from converting an existing free highway or highway segment to a tolled highway or tolled highway segment.

### **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(a), Transportation Code, as follows:

(a) Prohibits the Texas Department of Transportation (TxDOT) from operating a non-tolled state highway or a segment of a non-tolled state highway as a toll project and prohibits transferring a highway or segment to another entity for operation as a toll project, unless a facility that has access, function, and control devices similar to the converted highway or segment before conversion is constructed adjacent to the highway or segment so that the number of non-tolled lanes on the converted highway or segment and the adjacent facility together is greater than or equal to the number in existence on the converted highway or segment before the conversion. Deletes existing text creating an exception under Section 228.2015 (relating to limitation transition, expired by its own terms September 1, 2006). Deletes existing text prohibiting TxDOT from operating a non-tolled state highway or a segment of a non-tolled state highway as a toll project, and from transferring a highway or segment to another entity for operation as a toll project unless the Texas Transportation Commission converts the highway or segment to a toll facility by making the determination required by Section 228.202 (Commission Determination), conducting the hearing required by Section 228.203 (Public Hearing), and obtaining county and voter approval as required by Sections 228.207 (County and Voter Approval) and 228.208 (Election to Approve Conversion). Makes nonsubstantive changes.

SECTION 2. Repealer: Sections 228.202, 228.203, 228.207, and 228.208, Transportation Code.

SECTION 3. Effective date: upon passage or September 1, 2009.