

## **BILL ANALYSIS**

Senate Research Center  
82R21117 JAM-F

C.S.S.B. 730  
By: Nichols  
Transportation & Homeland Security  
4/21/2011  
Committee Report (Substituted)

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

C.S.S.B. 730 amends current law relating to the conversion of a nontolled state highway or segment of the state highway system 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(a), Transportation Code, as follows:

(a) Prohibits the Texas Department of Transportation (TxDOT) to operate a nontolled state highway or a segment of a nontolled state highway as a toll project, or to transfer a nontolled highway or segment to another entity for operation as a toll project unless:

(1) the Texas Transportation Commission (TTC) by order designated the highway or segment as a toll project before the contract to construct the highway or segment was awarded;

(2) the highway or segment is reconstructed so that the number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction;

(3) a facility is constructed adjacent to the highway or segment so that the number of nontolled 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; or

(4) subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005.

Deletes existing text of Subsection (a) providing an exception as provided by Section 228.2015 (Limitation Transition (expired September 1, 2006)). Deletes existing text of Subdivisions (2) and (3) providing that the highway or segment was open to traffic as a turnpike project on or before September 1, 2005, and the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005. Deletes existing text of Subsection (7) providing that TTC 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) and renumbers subdivisions.

SECTION 2. Repealers: Sections 228.202 (Commission Determination), 228.203 (Public Hearing), 228.207 (County and Voter Approval), and 228.208 (Election to Approve Conversion), Transportation Code.

SECTION 3. Effective date: upon passage or September 1, 2011.