

BILL ANALYSIS

Senate Research Center
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S.B. 1143
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this bill is to prevent high-occupancy vehicle (HOV) lanes from being converted into lanes where single-occupancy vehicles can access them for a fee (High Occupancy Toll—HOT). No Texan should be charged to use a lane for which their taxes already paid. S.B. 1143 does not prevent truly new lanes from being added to existing non-toll freeways. It simply disallows HOV lanes from being turned into toll lanes.

When the legislature passed H.B. 3588 in the 78th Legislature, opening the door to new types of tolling, the Texas Department of Transportation (TxDOT) began to pursue toll projects that would convert existing HOV lanes into toll lanes. The concern about double taxation quickly emerged and the legislature responded by passing a bill in 2005, H.B. 2702, to prohibit the conversion of free lanes into toll lanes. However, the bill had a list of exceptions that allowed many conversion projects to advance despite the legislature's intent to prohibit conversions.

One exception in Section 228.201(a)(5), Transportation Code, allows the lane to be converted to tolling if it is already an HOV lane and TxDOT allows vehicles with higher occupancy to use the lane for free. In this way, TxDOT can charge motorists with single-occupancy vehicles for the HOT lane, while still complying with the statute.

The research disproving the effectiveness of HOT lanes is strong. According to a study completed by AJM Engineering, maximum transportation benefit is afforded by roads that do not toll or restrict motorists in some way.

The study stated that: "In all the known complete transportation modeling studies that have quantitatively evaluated overall congestion and/or polluting emissions, optimal performance occurs in the natural, unrestricted Mixed-Flow operational mode. In all these cases, any attempt to preferentially restrict the natural free distribution of traffic, whether by HOV or HOT operation, made overall congestion and emissions worse."

As proposed, S.B. 1143 amends current law relating to a prohibition on converting high occupancy vehicle highway lanes to tolled lanes.

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, as follows:

Sec. 228.201. LIMITATION ON TOLL FACILITY DESIGNATION. Deletes existing designation of Subsection (a). Deletes existing text prohibiting the Texas Department of Transportation (TxDOT) from operating a nontolled state highway or a segment of a nontolled state highway as a toll project and prohibiting the transfer of a highway or segment to another entity for operation as a toll project, unless, subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005. Makes nonsubstantive changes.

(b) Deletes existing Subsection (b) authorizing TxDOT to operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane only if TxDOT or other entity operating the lane allows vehicles occupied by a specified number of passengers to use the lane without paying a toll.

SECTION 2. Effective date: upon passage or by September 1, 2017.