

COLLIN COUNTY TOLLROAD AUTHORITY

BYLAWS

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BYLAWS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 001. DEFINITIONS.

In these Bylaws:

(1) "Bond instrument" means a bond trust indenture and a bond resolution.

(2) "Bond resolution" means an order or resolution of a commissioners court authorizing the issuance of bonds.

(3) "CCTRA" means the Collin County Toll Road Authority.

(4) "County" means Collin County, Texas.

(5) "Project" means:

(A) a causeway, bridge, tunnel, turnpike, highway, ferry, or any combination of those facilities, including:

(i) a necessary overpass, underpass, interchange, entrance plaza, toll house, service station, approach, fixture, and accessory and necessary equipment that has been designated as part of the project by order of the county;

(ii) necessary administration, storage, and other buildings that have been designated as part of the project by order of the county; and

(iii) all property rights, easements, and related interests acquired; or

(B) a turnpike project or system, as those terms are defined by Section 370.003, Texas Transportation Code.

(6) "Chapter" means a reference to the Texas Transportation Code, unless otherwise noted.

(7) "Commission" means the Texas Department of Transportation Commission.

(8) "Department" means the Texas Department of Transportation.

Sec. 002. GENERAL POWERS, AND AUTHORIZATION FOR A LOCAL GOVERNMENT CORPORATION.

(a) The CCTRA operates pursuant to the Texas Transportation Code, pursuant to enabling legislation set forth in Chapter 284. All provisions of these Bylaws should be construed as in conformance with applicable state law.

(b) A local government corporation may be created by the CCTRA under Chapter 431 and may have the same powers as a county acting under Chapter 284, except as provided by Chapter 362.

Sec. 003. PROJECT AUTHORIZED; CONSTRUCTION, OPERATION, AND COST.

(a) The CCTRA, acting through the commissioners court of the county, or a local government corporation, without state approval, supervision, or regulation, may:

(1) construct, acquire, improve, operate, maintain, or pool a project located:

(A) exclusively in the county;

(B) in the county and outside the county; or

(C) in one or more counties adjacent to the county;

(2) issue tax bonds, revenue bonds, or combination tax and revenue bonds to pay the cost of the construction, acquisition, or improvement of a project;

(3) impose tolls or charges as otherwise authorized by

Chapter 284;

(4) construct a bridge over a deepwater navigation channel, if the bridge does not hinder maritime transportation;

(5) construct, acquire, or operate a ferry across a deepwater navigation channel;

(6) in connection with a project, on adoption of an order exercise the powers of a regional mobility authority operating under Chapter 370; or

(7) enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a proposed or existing project in the county to the extent and in the manner applicable to the department under Chapter 223 or to a regional tollway authority under Chapter 366.

(b) The county or a local government corporation may exercise a power provided by Subsection (a) (6) only in a manner consistent with the other powers provided by Chapter 284. To the extent of a conflict between Chapter 284 and Chapter 370, Chapter 284 prevails.

(c) A project or any portion of a project that is owned by the county and licensed or leased to a private entity or operated by a private entity under Chapter 284 to provide transportation services to the general public is public property used for a public purpose and exempt from taxation by this state or a political subdivision of this state.

(d) If the county constructs, acquires, improves, operates, maintains, or pools a project under Chapter 284, before December 31 of each even-numbered year the county shall submit to the department a plan for the project that includes the time schedule for the project and describes the use of project funds. The plan

may provide for and permit the use of project funds and other money, including state or federal funds, available to the county for roads, streets, highways, and other related facilities in the county that are not part of a project under Chapter 284. A plan is not subject to approval, supervision, or regulation by the commission or the department, except that:

(1) any use of state or federal highway funds must be approved by the commission;

(2) any work on a highway in the state highway system must be approved by the department; and

(3) the department shall supervise and regulate work on a highway in the state highway system.

(e) Except as provided by federal law, an action of the county taken under Chapter 284 is not subject to approval, supervision, or regulation by a metropolitan planning organization.

(f) The county may enter into a protocol or other agreement with the commission or the department to implement this section through the cooperation of the parties to the agreement.

(g) An action of the county taken under Chapter 284 must comply with the requirements of applicable federal law. The foregoing compliance requirement shall apply to the role of metropolitan planning organizations under federal law, including the approval of projects for conformity to the state implementation plan relating to air quality, the use of toll revenue, and the use of the right-of-way of and access to federal-aid highways. Notwithstanding an action of the county taken under Chapter 284, the commission or department may take any action that is necessary in its reasonable judgment to comply with any federal requirement to enable the state to receive federal-aid highway

funds.

Sec. 0031. OTHER ROAD, STREET, OR HIGHWAY PROJECTS.

(a) The commissioners court of the county or a local government corporation, without state approval, supervision, or regulation may:

(1) authorize the use or pledge of surplus revenue to pay or finance the costs of a project for the study, design, construction, maintenance, repair, or operation of roads, streets, highways, or other related facilities that are not part of a project under Chapter 284; and

(2) prescribe terms for the use of the surplus revenue, including the manner in which revenue from a project becomes surplus revenue and the manner in which the roads, streets, highways, or other related facilities are to be studied, designed, constructed, maintained, repaired, or operated.

(b) To implement this section, the county may enter into an agreement with the commission, the department, a local governmental entity, or another political subdivision of this state.

(c) The county may not take an action under this section that violates or impairs a bond resolution, trust agreement, or indenture that governs the use of the revenue of a project.

(d) Except as provided by this section, the county has the same powers, including the powers to finance and to encumber surplus revenue, and may use the same procedures with respect to the study, financing, design, construction, maintenance, repair, or operation of a road, street, highway, or other related facility under this section as are available to the county with respect to a project under Chapter 284.

(e) Notwithstanding other provisions of this section:

(1) any work on the state highway system must be approved by the department; and

(2) the department shall supervise and regulate any work on a highway in the state highway system.

Sec. 0032. TRANS-TEXAS CORRIDOR PROJECTS.

If the county is requested by the commission to participate in the development of a project under Chapter 284 that has been designated as part of the Trans-Texas Corridor, the county has, in addition to all powers granted by Chapter 284, all powers of the department related to the development of a project that has been designated as part of the Trans-Texas Corridor.

Sec. 004. USE OF COUNTY PROPERTY.

(a) Notwithstanding any other law, the county may use any county property for a project under Chapter 284, regardless of when or how the property is acquired.

(b) In addition to authority granted by other law, the county may use state highway right-of-way and may access state highway right-of-way in accordance with Sections 228.011 and 228.0111.

Sec. 005. CONVEYANCE TO COUNTY.

The governing body of a political subdivision or agency of this state may convey title or right and easements to property needed by the county for a project under Chapter 284 without advertisement.

Sec. 006. FEDERAL OR STATE AID.

The county may:

(1) accept from the United States or this state assistance or a loan, gift, grant, or contribution to acquire, construct, improve, maintain, pool, or operate a project under Chapter 284; and

(2) enter into agreements with the United States or this state for the acquisition, construction, improvement, maintenance, pooling, or operation of the project.

Sec. 007. (RESERVED FOR EXPANSION).

Sec. 008. POWERS OF COMMISSION.

(a) The commission may:

(1) provide for and contribute toward the acquisition, construction, improvement, operation, maintenance, or pooling of a project under Chapter 284 and under terms to which the commission and the local government corporation or county agree that are consistent with the rights of bondholders or a person operating the project under a lease or other contract;

(2) lease a project under terms:

(A) to which the county or local government corporation acting under Chapter 284 and the commission agree; and

(B) that are consistent with the bond instrument;

and

(3) declare any part of a project under Chapter 284 to be a part of the state highway system and operate any part of a project as part of the state highway system, to the extent that property and contract rights in the project and bonds are not affected unfavorably.

(b) Sections 222.031 and 284.003 do not limit the commission's authority to:

- (1) operate or maintain a project under Chapter 284; or
- (2) contribute to the cost of acquisition, construction, improvement, maintenance, operation, or pooling of a project as provided by Subsection (a).

(c) Except as provided by Subsection (d), a project becomes a part of the state highway system and the commission shall maintain the project without tolls when:

(1) all of the bonds and interest on the bonds that are payable from or secured by revenues of the project have been paid by the issuer of the bonds or another person with the consent or approval of the issuer; or

(2) a sufficient amount for the payment of all bonds and the interest on the bonds to maturity has been set aside by the issuer of the bonds or another person with the consent or approval of the issuer in a trust fund held for the benefit of the bondholders.

(d) the county may request that the commission adopt an order stating that a project will not become part of the state highway system under Subsection (c). If the commission adopts the order:

- (1) Section 362.051 does not apply to the project;
- (2) the project must be maintained by the county; and
- (3) the project will not become part of the state highway system unless the county transfers the project under Section 284.011.

Sec. 011. TRANSFER OF PROJECT TO DEPARTMENT.

(a) the county may transfer to the department a project under

Chapter 284 that has outstanding bonded indebtedness if the commission:

- (1) agrees to the transfer; and
- (2) agrees to assume the outstanding bonded indebtedness.

(b) The commission may assume the outstanding bonded indebtedness only if the assumption:

(1) is not prohibited under the terms of an existing trust agreement or indenture securing bonds or other obligations issued by the commission for another project;

(2) does not prevent the commission from complying with covenants of the commission under an existing trust agreement or indenture; and

(3) does not cause a rating agency maintaining a rating on outstanding obligations of the commission to lower the existing rating.

(c) If the commission agrees to the transfer under Subsection (a), the county shall convey the project and any real property acquired to construct or operate the project to the department.

(d) At the time of a conveyance under this section, the commission shall designate the project as part of the state highway system. After the designation, the county has no liability, responsibility, or duty to maintain or operate the project.

#### Sec. 012. TRANSFER OF ASSETS.

(a) the county, acting through the commissioners court of the county, may submit a request to the commission for authorization to create a regional mobility authority under Chapter 370 and to transfer all projects under Chapter 284 to the regional mobility

authority if:

(1) the creation of the regional mobility authority and transfer of projects is not prohibited under the bond proceedings applicable to the projects;

(2) adequate provision has been made for the assumption by the regional mobility authority of all debts, obligations, and liabilities of the county arising out of the transferred projects; and

(3) the commissioners courts of any additional counties to be part of the regional mobility authority have approved the request.

(b) The county may submit to the commission a proposed structure for the initial board of directors of the regional mobility authority and a method for appointment to the board of directors at the creation of the regional mobility authority. Subsequent appointments to the board of directors are subject to the requirements of Subchapter F, Chapter 370.

(c) After commission authorization, the county may transfer each of its projects under Chapter 284 to the regional mobility authority to the extent authorized by the Texas Constitution if property and contract rights in the projects and bonds issued for the projects are not affected unfavorably.

(d) The commission shall adopt rules governing the creation of a regional mobility authority and the transfer of projects under this section.

Sec. 013. (RESERVED FOR EXPANSION).

SUBCHAPTER B. BOND PROVISIONS

Sec. 031. BONDS AUTHORIZED.

(a) The county may issue bonds for a project under Chapter 284 that are secured:

(1) solely by the pledge of the gross or net revenues of a project;

(2) by a pledge of:

(A) an ad valorem tax under Section 9, Article VIII, Texas Constitution; or

(B) an unlimited ad valorem tax authorized by Section 52, Article III, Texas Constitution;

(3) by designating part of the bonds to be secured solely by a pledge of project revenues and part of the bonds to be secured by pledge of the ad valorem tax; or

(4) by a combination of methods described by Subdivisions (1) and (2) with all of the bonds supported and secured by the ad valorem tax and the duty imposed on the county to collect tolls for use of the project facilities as long as the bonds are outstanding so that, as prescribed in the bond instrument, the amount of the tax may be reduced as the project revenues become sufficient to:

(A) meet the requirements for operation and maintenance; and

(B) provide money for the bonds.

(b) The commissioners court may secure bonds issued under Chapter 284 through a trust indenture between the county and a corporate trustee. The corporate trustee may be any trust company or bank that has the powers of a trust company. The indenture may

pledge or assign project tolls or revenues but may not convey or mortgage any part of the project.

(c) The bonds issued under Chapter 284 may be authorized by bond resolution at one time or from time to time and shall mature on or before the 40th anniversary of their date.

Sec. 032. TAX BOND ELECTION.

Bonds wholly or partly supported by an ad valorem tax may not be issued without an election at which the issuance of the bonds is authorized.

Sec. 033. INTERIM BONDS.

(a) the county may, before issuing definitive bonds, issue interim bonds, with or without coupons, exchangeable for definitive bonds.

(b) The interim bonds may be authorized and issued in accordance with Chapter 284, without regard to the requirements, restrictions, or procedural provisions contained in any other law.

(c) The bond resolution authorizing interim bonds may provide that the interim bonds must recite that the bonds are issued under Chapter 284. The recital is conclusive evidence of the validity and the regularity of the bonds' issuance.

Sec. 034. BOND SALE TO PAY OUTSTANDING BONDS.

If the county, acting through the commissioners court, issues bonds payable from revenues from tolls collected for the use of a project under Chapter 284 and also payable from an unlimited tax authorized under Section 52, Article III, Texas Constitution, the county may authorize, under that section, and issue and sell its

bonds and use the proceeds to call, redeem, and pay off its outstanding tax and revenue bonds under the terms of the bonds and make the project available for the free use of the public.

Sec. 035. BOND APPROVAL AND REGISTRATION.

(a) Bonds under Chapter 284 may be presented to the attorney general for approval in the same manner as provided for approval of tax bonds issued by the county. The attorney general's approval of the bonds has the same effect as approval of county tax bonds.

(b) The comptroller shall register in the manner other county bonds are registered bonds the attorney general approves under this section.

Sec. 036. BONDS SECURED SOLELY BY REVENUE.

Bonds secured solely by a pledge of project revenue:

(1) are not a debt of the county issuing the bonds but are solely a charge on project revenue;

(2) may not be considered in determining the power of the county to issue for any purpose bonds payable in whole or in part from taxes; and

(3) must state: "The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation."

Sec. 037. REVENUE BOND ELECTION NOT REQUIRED.

(a) The issuance of bonds under Chapter 284 that are payable solely from revenues may be authorized without an election.

(b) If an election is not held, notice of intention to issue the revenue bonds must be given as provided by Section 252.041,

Local Government Code.

(c) The authority to issue the revenue bonds is subject to the right of referendum provided by Section 252.045, Local Government Code.

**Sec. 038. REVENUE BONDS: AD VALOREM TAX FOR MAINTENANCE AND OPERATION.**

(a) The county issuing bonds under Chapter 284 that are secured solely by a pledge of revenues may:

(1) by the bond resolution, authorize the payment of the principal of and premium, if any, and interest on the bonds from the gross revenues of the project; and

(2) impose a direct continuing ad valorem tax under Section 9, Article VIII, or Section 52, Article III, Texas Constitution, and pledge the tax to pay maintenance and operating expenses of the project and to establish and maintain a reserve fund and a depreciation and replacement fund for the project, as a supplement to the pledge of revenues for those purposes or in lieu of a pledge of revenues, as provided by the bond resolution.

(b) The proceeds of a tax pledged under this section shall be used annually to the extent required by the bond resolution and for the purposes stated in Subsection (a)(2). The county may provide in the resolution that certain or all costs listed in the resolution will be paid by the county from the proceeds of the tax.

**Sec. 039. BONDS ARE SECURITIES.**

The bonds issued and delivered under Chapter 284 and interest coupons on the bonds are a security under Chapter 8, Business & Commerce Code.

Sec. 040. EFFECT OF LIEN.

(a) A lien on or a pledge of revenue from a project under Chapter 284 or on a reserve, replacement, or other fund established in connection with a bond issued under Chapter 284:

(1) is enforceable at the time of payment for and delivery of the bond;

(2) applies to an item on hand or subsequently received;

(3) applies without physical delivery of an item or other act; and

(4) is enforceable against any person having any claim, in tort, contract, or other remedy, against the county without regard to whether the person has notice of the lien or pledge.

(b) A bond resolution is not required to be recorded except in the regular records of the county.

Sec. 041. REFUNDING BONDS.

Subject to any restriction in a bond instrument, a refunding bond may not be delivered unless delivered in exchange for the bond authorized to be refunded or unless sold and delivered to provide money for the payment of a matured or redeemable bond maturing or redeemable within three months.

Sec. 042. USE OF BOND PROCEEDS; LIEN.

(a) The proceeds of bonds issued under Chapter 284:

(1) may be used only to pay the costs of the project described by Section 284.043; and

(2) shall be disbursed under the restrictions the bond instrument provides.

(b) Project operating and maintenance costs to be paid from proceeds of bonds payable in whole or in part from project revenue may include only items expressly defined in the proceedings authorizing the bonds.

(c) Notwithstanding Subsection (a), bond proceeds that remain after the project costs are paid in full shall be used to pay interest on and retire the bonds, unless otherwise provided in the bond instrument.

(d) Unless otherwise provided in the bond instrument, if the bond proceeds are not sufficient to pay all the project costs, additional bonds may be issued up to the amount necessary to pay the remaining costs. The additional bonds are considered to be of the same issue as the original bonds and are entitled to payment from the same fund, without preference for the bonds first issued.

(e) The bondholder or a bond trustee has a lien on the bond proceeds.

#### Sec. 043. COSTS AND EXPENSES.

(a) The cost of the project may include:

- (1) the cost of construction;
- (2) the cost of any property, appurtenance, easement, contract, franchise, or pavement used in the construction, acquisition, improvement, operation, or maintenance of the project;
- (3) the cost of condemning property, including the award, court costs, and attorney's fees;
- (4) all legal, fiscal, or engineering expenses incurred in the acquisition or construction of the project, the making of any preliminary survey or investigation, or the authorization and issuance of the bonds; and

(5) payment of interest on the bonds and operating expenses on the project before and during construction and before the first anniversary after construction of the project is completed.

(b) Any preliminary expense paid from the county fund shall be repaid to the fund from the proceeds of the bonds when the proceeds are available.

Sec. 044. DEPOSITORY.

A bank or trust company in this state may:

(1) act as depository of bond proceeds or revenues derived from the operation of the project; and

(2) provide indemnity bonds or pledge securities the county requires.

Sec. 045. BONDS TAX FREE.

Bonds under Chapter 284 and the transfer of and income from the bonds, including a profit made on the sale of the bonds, are exempt from taxation in this state.

Sec. 046. BONDHOLDER RIGHTS.

(a) In addition to all other rights by mandamus or other court proceeding, a holder or trustee of a bond issued under Chapter 284 may enforce the holder's rights against the county, the county's employees, an operating board, or an agent or employee of the operating board and is entitled to:

(1) require the county and the board to impose and collect tolls and charges sufficient to carry out any agreement contained in the bond instrument; and

(2) apply for and obtain the appointment of a receiver for the project.

(b) A bond instrument may contain provisions for the protection and enforcement of a bondholder's rights and remedies, including covenants:

(1) establishing the county's duties relating to:

(A) the acquisition of property;

(B) the construction, maintenance, operation, and repair of, and insurance for, a project; and

(C) custody, safeguarding, and application of money;

(2) prescribing events that constitute default;

(3) prescribing terms on which any or all of the bonds become or may be declared due before maturity; and

(4) relating to the rights, powers, liabilities, or duties that arise on the breach of the county's duty.

(c) A bond instrument may contain provisions restricting the individual rights of action of the bondholder.

#### SUBCHAPTER C. CONSTRUCTION AND OPERATION

##### Sec. 061. ACQUISITION OF PROPERTY.

(a) To acquire property useful in connection with a project, the county may enter on any real property, water, or premises to make a survey, sounding, or examination.

(b) The county may acquire by eminent domain property to use in or useful for a project under Chapter 284.

(c) Except as provided by Section 284.0615, if applicable, the county is entitled to immediate possession of property subject

to a condemnation proceeding brought by the county after:

(1) a tender of a bond or other security in an amount sufficient to secure the owner for damages; and

(2) the approval of the bond or security by the court.

(d) The county has full easements and rights-of-way through, across, under, and over any property owned by this state that are necessary or convenient to construct, acquire, or efficiently operate a project under Chapter 284.

Sec. 0615. - Sec. 062. (RESERVED FOR EXPANSION)

Sec. 063. CONTRACT FOR PROJECT CONSTRUCTION.

(a) The county may enter into an agreement with a political subdivision or agency of this state to construct, acquire, improve, operate, and maintain a project under Chapter 284. The agreement may provide for title to the project to be in one party to the agreement or for joint ownership of the project.

(b) The county by entering into an agreement under this section may issue bonds as provided by Chapter 284 to pay all or a part of the cost of a project.

(c) An agreement entered into under this section, in addition to other terms, may:

(1) extend for any agreed period; and

(2) provide that the agreement continues in effect until bonds specified in the agreement and refunding bonds issued in lieu of those bonds are paid.

(d) A payment made under the agreement is an operating and

maintenance expense of the project if the agreement so provides. Revenues derived from the operation of the project may be pledged to pay operating and maintenance expenses.

Sec. 064. CONTRACT TO OPERATE.

(a) The county may contract with another person for the person to operate all or part of a project under Chapter 284 to the extent prescribed by the bond instrument.

(b) A contract made under this section must be for a specified period that does not extend beyond the date of maturity of the last maturing bond.

(c) A contract made under this section may not interfere with the right of a bondholder to require proper operation and maintenance of the facilities and the payments for the benefit of the bond as prescribed in the bond instrument.

(d) If the county enters into an agreement with a person that includes the collection by the person of tolls for the use of a project, the person shall submit to the county for approval:

(1) the methodology for:

(A) the setting of tolls; and

(B) increasing the amount of the tolls;

(2) a plan outlining methods the person will use to collect the tolls, including:

(A) any charge to be imposed as a penalty for late payment of a toll; and

(B) any charge to be imposed to recover the cost of collecting a delinquent toll; and

(3) any proposed change in an approved methodology for the setting of a toll or a plan for collecting the toll.

(e) An agreement with a person that includes the collection by the person of tolls for the use of a project may not be for a term longer than 50 years.

Sec. 065. POOLED PROJECTS.

(a) The commissioners court of the county by resolution may pool two or more projects the county constructs under Chapter 284.

(b) An existing project may be pooled in whole or in part with a new project or another existing project.

(c) A project may be pooled more than once.

(d) The resolution of the commissioners court establishing a pooled project shall set a date when each of the projects being pooled will be available for the free use of the public. The date must be consistent with the bond instrument applicable to bonds for any of the pooled projects.

(e) Subject to the terms of a bond instrument, the county may, from time to time, issue bonds, including bonds that are payable either in whole or in part from the revenues of a pooled project, to:

(1) pay all or a part of the cost of the pooled project or the cost of a part of the pooled project;

(2) pay the costs of constructing improvements, extensions, or enlargements to all or part of a pooled project; or

(3) refund outstanding bonds issued for any part of a pooled project, including payment of a bond redemption premium and any interest to the date of redemption; and

(4) pay the cost of constructing improvements, extensions, and enlargements to any part of a pooled project for which any part of the bonds to be refunded were issued.

(f) Revenues of any part of a pooled project may be pledged to pay the bonds.

(g) Improvements, extensions, or enlargements to be paid from refunding bonds issued under Chapter 284 may be constructed on any part of the pooled project without regard to the parts of the pooled project covered by the bonds to be refunded.

(h) The refunding bonds may be issued in exchange for outstanding bonds or may be sold and the proceeds used to redeem outstanding bonds.

(i) The county may, from time to time, amend the extent or component parts of a designated pooled project, consistent with the terms of related bond instruments.

(j) These provisions apply to a pooled project and an amended pooled project in the same manner that it applies to any other project.

#### Sec. 066. OPERATING BOARD.

(a) The commissioners court may appoint an operating board if the commissioners court determines that a project under Chapter 284 could be developed, constructed, operated, and managed better and more efficiently by an operating board.

(b) Except as provided by Subsections (c) and (d), an operating board has the same authority as the commissioners court, including the power of eminent domain, regarding the development, construction, operation, and management of a project under Chapter 284.

(c) The operating board's authority is subject to the limitations prescribed by the commissioners court.

(d) An operating board may not:

- (1) impose a tax or borrow money; or
- (2) exercise the authority of the commissioners court under Section 284.071 except as provided by order of the commissioners court.

Sec. 0665. COMPENSATION OF OPERATING BOARD MEMBERS.

(a) In this section, "performing the duties of the operating board" means substantive performance of the management or business of a project:

- (1) including participation in:
  - (A) board and committee meetings;
  - (B) other activities involving the substantive deliberation of business; and
  - (C) pertinent educational programs related to a project; and

(2) not including routine or ministerial activities such as the execution of documents, self-preparation for meetings, or other activities requiring a minimal amount of time.

(b) This section applies only to an operating board:

- (1) appointed by a local government corporation; or
- (2) that is a local government corporation.

(c) A member of an operating board is entitled to receive as compensation not more than \$150 a day for each day the member actually spends performing the duties of the operating board.

(d) The operating board shall set a limit on the amount of compensation a member of the operating board may receive in a year under this section not to exceed \$7,200.

(e) In addition to Subsection (c), a member of the operating board is entitled to reimbursement of actual and necessary expenses

incurred in performing duties of the operating board.

(f) To receive compensation or reimbursement under this section, a member of the operating board must file a verified statement with the local government corporation:

(1) showing the number of days the member actually spent performing duties of the operating board; and

(2) including a general description of the duties performed for each day of service.

Sec. 067. PROJECTS EXTENDING INTO OTHER COUNTIES.

(a) The county may not construct or acquire a project that is financed under Chapter 284 and any part of which is in another county until the commissioners court of the other county adopts a resolution consenting to the construction or acquisition.

(b) A part of a project that has not been designated as part of the state highway system and that is not a turnpike project as defined in Chapter 361 is a part of the county road system of the county in which the part is located. A law relating to the maintenance and operation of the county road applies to a project constructed or acquired under Chapter 284 to the extent the law does not conflict with Chapter 284.

(c) Any county into which the project extends, by condemnation or another method under general law, may acquire the property necessary for the project, except that the county may not condemn property in another county until after the resolution required by Subsection (a) is adopted. The county issuing the bonds may use the bond proceeds to acquire property necessary for the project in any county into which the project extends.

(d) Payment of the purchase price, award, or other cost of

the project may be on the terms to which the commissioners courts of the county issuing the bonds and the other county or counties agree. Proceeds from bonds issued under Chapter 284 may be used to pay a cost incurred under this section.

(e) Two-tenths of one percent of the toll revenue shall be shared equally between the permanent school fund and the General Land Office. The General Land Office shall use its share for the acquisition of real property in a natural state in the county of the project. The acquired land shall be maintained in a natural state.

Sec. 068. RECONSTRUCTION OF CLOSED OR RELOCATED NONTOLL ROADS, STREETS, OR HIGHWAYS.

If under Chapter 284 the county closes or changes the location of a portion of a nontoll road, street, or highway, the county shall reconstruct the nontoll road, street, or highway at a location and in the manner the county determines will provide substantially the same access as the nontoll road, street, or highway being closed or relocated.

Sec. 069. TOLLS AND CHARGES.

If bonds under Chapter 284 are payable in whole or in part from project revenue, the county shall impose tolls and charges that are, together with other money or revenues available for the project, including ad valorem tax, sufficient to:

(1) pay the maintenance and operating expenses of the project;

(2) pay the principal of, premium of, if any, and interest on the bonds when due;

(3) establish a reserve for payment of bond principal, premium, and interest; and

(4) establish an adequate fund for project depreciation and replacement.

Sec. 070. NONPAYMENT OF TOLL; OFFENSE.

(a) A person commits an offense if the person:

(1) operates a vehicle on a county project; and

(2) fails or refuses to pay a toll imposed under Section 284.069.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$100.

(c) The county may take and retain possession of a vehicle operated in violation of Subsection (a) until the amount of the toll and all charges in connection with the toll are paid.

(d) An authorized emergency vehicle, as defined by Section 541.201, is exempt from payment of a toll imposed under Chapter 284 regardless of whether the vehicle is:

(1) responding to an emergency;

(2) displaying a flashing light; or

(3) marked as an emergency vehicle.

Sec. 0701. ADMINISTRATIVE COSTS; NOTICE; OFFENSE.

(a) In the event of an offense committed under Section 284.070, on issuance of a written notice of nonpayment, the registered owner of the nonpaying vehicle is liable for the payment of both the proper toll and an administrative cost.

(b) The county may impose and collect the administrative cost so as to recover the expense of collecting the unpaid toll, not to

exceed \$100. The county shall send a written notice of nonpayment to the registered owner of the vehicle at that owner's address as shown in the vehicle registration records of the department by first-class mail not later than the 30th day after the date of the alleged failure to pay and may require payment not sooner than the 30th day after the date the notice was mailed. The registered owner shall pay a separate toll and administrative cost for each event of nonpayment under Section 284.070.

(c) The registered owner of a vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under Subsection (b) and fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment commits an offense. Each failure to pay a toll or administrative cost under this subsection is a separate offense.

(d) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the authority a copy of the rental, lease, or other contract document covering the vehicle on the date of the nonpayment under Section 284.070, with the name and address of the lessee clearly legible. If the lessor provides the required information within the period prescribed, the authority may send a notice of nonpayment to the lessee at the address shown on the contract document by first class mail before the 30th day after the date of receipt of the required information from the lessor. The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment commits an

offense. The lessee shall pay a separate toll and administrative cost for each event of nonpayment. Each failure to pay a toll or administrative cost under this subsection is a separate offense.

(e) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle transferred ownership of the vehicle to another person before the event of nonpayment under Section 284.070 occurred, submitted written notice of the transfer to the department in accordance with Section 520.023, and before the 30th day after the date the notice of nonpayment is mailed, provides to the county the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the county may send a notice of nonpayment to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first-class mail before the 30th day after the date of receipt of the required information from the former owner. The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment commits an offense. The subsequent owner shall pay a separate toll and administrative cost for each event of nonpayment under Section 284.070. Each failure to pay a toll or administrative cost under this subsection is a separate offense.

(f) An offense under this section is a misdemeanor punishable by a fine not to exceed \$250.

(g) The court in which a person is convicted of an offense under this section shall also collect the proper toll and administrative cost and forward the toll and cost to the county.

(h) In this section, "registered owner" means the owner of a vehicle as shown on the vehicle registration records of the department or the analogous department or agency of another state or country.

Sec. 0702. PRIMA FACIE EVIDENCE; DEFENSE.

(a) In the prosecution of an offense under Section 284.070 or 284.0701, proof that the vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In the prosecution of an offense under Section 284.0701(c), (d), or (e), a computer record of the department of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the underlying event of nonpayment under Section 284.070 occurred.

(c) It is a defense to prosecution under Section 284.0701(c), (d), or (e) that the vehicle in question was stolen before the failure to pay the proper toll occurred and had not been recovered before the failure to pay occurred, but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

- (1) the occurrence of the failure to pay; or
- (2) eight hours after the discovery of the theft.

Sec. 071. CONTROLLED ACCESS TO TOLL ROAD.

(a) The commissioners court of the county by order may

designate a toll road established for the county under Chapter 284 as a controlled-access toll road.

(b) The commissioners court by order may:

(1) deny use of or access to or from the toll road by a motor vehicle, bicycle, or other vehicle or by a pedestrian;

(2) deny access to or from:

(A) the toll road;

(B) real property adjacent to the toll road; or

(C) a street, road, alley, highway, or other public or private way intersecting the toll road;

(3) designate locations on the toll road at which access to or from the toll road is permitted;

(4) control, restrict, and determine the type and extent of access permitted at a designated location of access to the toll road; or

(5) erect appropriate protective devices to preserve the utility, integrity, and use of the toll road.

#### Sec. 072. PROMOTION OF TOLL ROADS.

The commissioners court of the county may promote the use of a toll road operated under Chapter 284 by appropriate means, including advertising or marketing as the commissioners court finds appropriate.

#### Sec. 073. POWERS AND DUTIES OF RECEIVER.

(a) A receiver appointed for a project may enter, take possession of, and maintain the project.

(b) A receiver may collect all revenues and tolls from the project in the same manner as the county.

(c) A receiver shall dispose of the money collected in accordance with the obligations of the county under the bond instrument and as the court that appoints the receiver directs.

**Sec. 074. TAX AND ASSESSMENT EXEMPTION: PROJECTS.**

Each part of a project is exempt from taxation and assessment.