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By: _____ ___.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the ownership, construction, maintenance, and operation of county toll projects in the area of a regional tollway authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.014 to read as follows:

Sec. 284.014. TOLL PROJECTS IN CERTAIN COUNTIES. (a) In this section:

(1) "Authority" means a regional tollway authority organized under Chapter 366.

(2) "Toll project" has the meaning assigned by Section 372.001 and includes a turnpike project, as defined by Section 366.003.

(b) Notwithstanding any other provision of this code, a county that lies within the boundaries of an authority shall provide the first option to the authority to own, construct, maintain, or operate a toll project.

(c) A county may determine the preferred alignment, feasibility, and preferred completion date of a proposed toll project, based on traffic and revenue studies, engineering data, and environmental clearances as may be necessary.

(d) On a finding by the county that the toll project is feasible, the county shall:

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(1) give formal notice of the option under Subsection (b) to the authority; and

(2) provide the authority with the information the county used to determine the need and feasibility of the project.

(e) To exercise the option, the authority's board shall, not later than the 180th day after the date the authority receives the option notice under Subsection (d):

(1) either:

(A) enter into a written agreement with the county regarding all or any portion of the toll project; or

(B) commit the authority to own, construct, maintain, and operate the project, including completion of the project in not more than 10 years, or other agreed term, after the receipt of the option notice;

(2) reimburse the county for the county's costs in developing and providing the project information to the authority; and

(3) enter into an agreement with the county to allocate surplus revenue, as that term is defined by Section 366.003, in a manner similar to the allocation under the TxDOT/NTTA Regional Protocol.

(f) If the authority enters into an agreement with the county under Subsection (e)(1)(A) or decides to undertake the toll project under Subsection (e)(1)(B), and fails to begin or complete the project within the agreed term, the project reverts to the county. The county may then proceed independently with the project under this chapter.

(g) If the authority does not exercise its option as prescribed by Subsection (e), the county may proceed independently with the toll project under this chapter.

(h) If the county proceeds independently with the toll project, the county and the authority may enter into an agreement at any time to lease or transfer the ownership, construction, maintenance, or operation of the project to the authority. The transfer must meet the same standards for a transfer from the county to the authority as a transfer from the authority to a local government under Section 366.036.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.