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

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

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

8 (1) either:

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

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

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

18 (3) enter into an agreement with the county to
19 allocate surplus revenue, as that term is defined by Section
20 366.003, in a manner similar to the allocation under the TxDOT/NTTA
21 Regional Protocol.

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

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

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

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