

By: Davis

S.B. No. 814

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the deposit and use of certain revenue received by the  
3 Texas Department of Transportation and metropolitan planning  
4 organizations from certain transportation projects or systems.

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

6 SECTION 1. Section 228.005, Transportation Code, is amended  
7 to read as follows:

8 Sec. 228.005. REVENUE OF TOLL PROJECT OR SYSTEM. Except as  
9 provided by Subchapter C, toll revenue or other revenue derived  
10 from a toll project or system that is collected or received by the  
11 department under this chapter, and a payment received by the  
12 department under a comprehensive development agreement for a toll  
13 project or system:

14 (1) shall be deposited in the state highway fund,  
15 except as provided by Section 228.0065; and

16 (2) is exempt from the application of Section 403.095,  
17 Government Code.

18 SECTION 2. Section 228.006, Transportation Code, is amended  
19 by amending Subsection (a) and adding Subsection (a-1) to read as  
20 follows:

21 (a) The commission shall authorize the use of surplus  
22 revenue of a toll project or system to pay the costs of a  
23 transportation project, highway project, or air quality project in  
24 the region [~~within a department district~~] in which [~~any part of~~] the

1 toll project or system is located.

2 (a-1) The department shall allocate surplus toll revenue of  
3 a toll project or system to department districts in the region in  
4 which the toll project or system is located based on the percentage  
5 of toll revenue generated from users of the project or system in  
6 each department district. To assist the department in determining  
7 the allocation of surplus toll revenue under this subsection, each  
8 entity responsible for collecting tolls for a project or system  
9 shall calculate on an annual basis the percentage of toll revenue  
10 generated from users of the project or system in each department  
11 district, based on the number of recorded electronic toll  
12 collections.

13 SECTION 3. Subchapter A, Chapter 228, Transportation Code,  
14 is amended by adding Section 228.0065 to read as follows:

15 Sec. 228.0065. CONTRACT PAYMENTS AND SURPLUS REVENUE IN  
16 CERTAIN REGIONS. (a) Notwithstanding Sections 228.0055(a) and (b)  
17 and 228.006(a) and (a-1), comprehensive development agreement  
18 revenue and surplus revenue under those sections from a toll  
19 project located in a region served by a metropolitan planning  
20 organization that serves two adjacent counties each with a  
21 population of one million or more shall be deposited into an account  
22 designated by the metropolitan planning organization. The  
23 metropolitan planning organization shall use the revenue to finance  
24 the construction, maintenance, or operation of transportation  
25 projects and air quality projects in the region. The metropolitan  
26 planning organization shall determine the distribution of funds  
27 within the region in which a project is located.

1        (b) Comprehensive development agreement revenue and surplus  
2 revenue described by Subsection (a) are considered local funds.

3        SECTION 4. Section 228.012(b), Transportation Code, is  
4 amended to read as follows:

5        (b) Except for money deposited to a designated account by a  
6 metropolitan planning organization under Section 228.0065, the  
7 ~~[The]~~ department shall hold money in a subaccount in trust for the  
8 benefit of the region in which a project or system is located and  
9 may assign the responsibility for allocating and distributing money  
10 in a subaccount to a metropolitan planning organization in which  
11 the region is located for projects approved by the  
12 department. Except as provided by Subsection (c), money shall be  
13 allocated and distributed to projects or to the metropolitan  
14 planning organization for projects authorized by Section 228.0055  
15 or Section 228.006, as applicable.

16        SECTION 5. Not later than October 1, 2011, the Texas  
17 Department of Transportation shall transfer to the applicable  
18 metropolitan planning organization for deposit into a designated  
19 account as required by Section 228.0065, Transportation Code, as  
20 added by this Act, all money deposited in a subaccount under Section  
21 228.012, Transportation Code, before the effective date of this Act  
22 and held in trust for the metropolitan planning organization's  
23 region.

24        SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2011.