

By: Taylor of Collin

S.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on converting state highway lanes to tolled or other types of managed lanes.

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

SECTION 1. Section 224.151(9), Transportation Code, is amended to read as follows:

(9) "Restricted lane" or "managed lane" means a lane whose use or access is restricted to increase the efficiency of the highway. The term includes:

(A) a high occupancy vehicle lane;

(B) a toll lane under Section 228.007; and

(C) an exclusive lane.

SECTION 2. Subchapter F, Chapter 224, Transportation Code, is amended by adding Section 224.1525 to read as follows:

Sec. 224.1525. LIMITATION ON MANAGED LANES. The department may not operate an unrestricted lane of a state highway as a managed lane, and may not transfer an unrestricted lane to another entity for operation as a managed lane.

SECTION 3. Section 224.1541(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 224.1525, the ~~[The]~~ commission by order may designate and the department may finance, design, construct, operate, or maintain one or more lanes of a state highway facility as exclusive lanes.

1 SECTION 4. The heading to Subchapter E, Chapter 228,
2 Transportation Code, is amended to read as follows:

3 SUBCHAPTER E. [~~LIMITATION ON TOLL FACILITY DETERMINATION;~~]

4 CONVERSION OF NONTOLLED STATE HIGHWAY

5 SECTION 5. Section 228.201, Transportation Code, is amended
6 to read as follows:

7 Sec. 228.201. PROHIBITION ON CONVERSION OF NONTOLLED STATE
8 HIGHWAY [~~LIMITATION ON TOLL FACILITY DESIGNATION~~]. [~~(a)~~] The
9 department may not operate all or part of a nontolled state highway,
10 including a nontolled exclusive lane, high-occupancy vehicle lane,
11 or other restricted or managed lane [~~or a segment of a nontolled~~
12 ~~state highway~~] as a toll project, and may not transfer all or part
13 of a nontolled highway [~~or segment~~] to another entity for operation
14 as a toll project [~~, unless:~~

15 [~~(1) the commission by order designated the highway or~~
16 ~~segment as a toll project before the contract to construct the~~
17 ~~highway or segment was awarded;~~

18 [~~(2) the project was designated as a toll project in a~~
19 ~~plan or program of a metropolitan planning organization on or~~
20 ~~before September 1, 2005;~~

21 [~~(3) the highway or segment is reconstructed so that~~
22 ~~the number of nontolled lanes on the highway or segment is greater~~
23 ~~than or equal to the number in existence before the reconstruction;~~

24 [~~(4) a facility is constructed adjacent to the highway~~
25 ~~or segment so that the number of nontolled lanes on the converted~~
26 ~~highway or segment and the adjacent facility together is greater~~
27 ~~than or equal to the number in existence on the converted highway or~~

1 ~~segment before the conversion; or~~

2 ~~[(5) subject to Subsection (b), the highway or segment~~
3 ~~was open to traffic as a high-occupancy vehicle lane on May 1,~~
4 ~~2005].~~

5 ~~[(b) The department may operate or transfer a~~
6 ~~high-occupancy vehicle lane under Subsection (a)(5) as a tolled~~
7 ~~lane only if the department or other entity operating the lane~~
8 ~~allows vehicles occupied by a specified number of passengers to use~~
9 ~~the lane without paying a toll.]~~

10 SECTION 6. Sections [228.204](#) and [228.206](#), Transportation
11 Code, are repealed.

12 SECTION 7. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section [39](#), Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.