

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1208
By: Lewis (Shapiro)
Infrastructure Development and Security
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Committee Report (Substituted)

DIGEST AND PURPOSE

Funding constraints at all levels of government make it more difficult to effectively address mobility concerns utilizing traditional means, including roadway construction, causing the Texas Department of Transportation (TxDOT) to seek innovative solutions to transportation demands. Mobility problems are most apparent in areas with high volumes of truck traffic. Limiting the number of lanes available for trucks could minimize truck-related congestion. High occupancy vehicle and toll lanes are another option for easing congestion and maximizing limited funding. Contracting out the design, construction, operation, and maintenance of such lanes further leverages TxDOT's limited funding. C.S.H.B. 1208 authorizes TxDOT to contract out the design, construction, operation, and maintenance of high occupancy vehicle lanes and toll lanes, and establishes certain requirements related to setting tolls and access of certain vehicles. This bill also establishes the structure for designing, constructing, operating, and maintaining exclusive lanes. C.S.H.B. 1208 also exempts police and emergency vehicles from the restrictions on restricted lanes, and establishes requirements for official traffic control devices. This bill also changes administrative fees from a toll lane to a collection fee, and authorizes the restriction of vehicles by class to designated lanes of a highway.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 224.151, Transportation Code, by amending Subdivisions (2) and (4) and adding Subdivisions (7), (8), and (9), as follows:

- (2) Redefines "congestion mitigation."
- (4) Redefines "high occupancy vehicle lane."
- (7) Defines "exclusive lane."
- (8) Defines "low-emissions vehicle."
- (9) Defines "restricted lane."

SECTION 2. Amends Section 224.152, Transportation Code, as follows:

Sec. 224.152. PURPOSE. (a) Specifies that it is the intent of the legislature to further the purposes of the United States Congress as expressed in Section 1012(b) of Pub. L. No. 102-240 as amended, and includes improving safety in the list of purposes.

(b) Provides that the legislature declares that it is necessary, to further the purposes described by Subsection (a), to provide for the participation of the Texas Department of Transportation (TxDOT), including the expenditure of available funds by TxDOT, in projects and facilities for the purpose of congestion mitigation. Deletes text referring to the Texas Transportation Commission (TTC).

SECTION 3. Amends Section 224.153, Transportation Code, as follows:

Sec. 224.153. **HIGH OCCUPANCY VEHICLE LANES AUTHORIZED.** (a) Includes authorization for TxDOT to finance one or more lanes on a multi-lane highway facility as dedicated high occupancy vehicle lanes on the state highway system, in addition to other activities. Deletes text referring to a transportation corporation.

(b) Authorizes TxDOT to enter into an agreement with a transit authority under Chapter 451 (Metropolitan Rapid Transit Authorities), 452 (Regional Transportation Authorities), or 453 (Municipal Transit Departments); a regional mobility authority under Chapter 361 (Texas Turnpike Authority); a municipality, or a transportation corporation for the design, construction, operation, or maintenance of a high occupancy vehicle lane. Deletes text referring to TTC's authorizations.

(c) Authorizes TxDOT to authorize a motorcycle or a low-emissions vehicle to use a high occupancy vehicle lane designated under this section, regardless of the number of persons on the motorcycle or in the vehicle. Deletes text referring to a "low-emissions vehicle" insignia, and to the subsection's expiration.

(d) Prohibits TxDOT, with regard to high occupancy vehicle lanes included in Subsection (b), from authorizing vehicles addressed in Subsection (c) to use those lanes if such use would violate federal transit funding restrictions.

SECTION 4. Amends Section 224.154, Transportation Code, as follows:

Sec. 224.154. **New heading: TOLL LANES.** (a) Makes a conforming change.

(b) Authorizes TxDOT, if TTC authorizes TxDOT to charge a toll under Subsection (a), to enter into an agreement with a transit authority described in Chapter 366 (Regional Tollway Authorities), a regional mobility authority under Chapter 361 (Texas Turnpike Authority), a county acting under Chapter 284 (Causeways, Bridges, Tunnels, Turnpikes, and Highways in Certain Counties), or a transportation corporation to perform certain duties.

(c) Redesignated from Subsection (b). Authorizes TTC, by order, to authorize TxDOT or the entity contracted to operate the toll lane to set the amount of toll charges. Deletes text referring to certain entities being successor agencies to the Texas Turnpike Authority.

(d) Requires revenue generated from toll charges and collection fees, rather than administrative fees, assessed by TxDOT in connection with a toll lane, rather than a congestion mitigation facility, to be deposited in the state highway fund and authorized only for projects for the improvement of the state highway system. Makes conforming changes.

(e) No changes to this subsection.

SECTION 5. Amends Subchapter F, Chapter 224, Transportation Code, by adding Section 224.1541, as follows:

Sec. 224.1541. **EXCLUSIVE LANES.** (a) Authorizes TTC to designate and TxDOT to finance, design, construct, operate, or maintain one or more lanes of a state highway facility as exclusive lanes.

(b) Authorizes TTC to designate a lane as an exclusive lane under Subsection (a) only with certain determinations.

(c) Authorizes the adjacent lanes, or adjacent multilane facility, under Subsection

(b) to be designated as exclusive lanes, or an exclusive lane facility, for the use of vehicles that are prohibited from using the exclusive lane.

(d) Prohibits TxDOT from tolling exclusive lanes except under certain circumstances.

SECTION 6. Amends Chapter 224F, Transportation Code, by adding Sections 224.1542 and 224.1543, as follows:

Sec. 224.1542. POLICE AND EMERGENCY VEHICLES. Provides that a restriction imposed on a restricted lane under this subchapter does not apply to a police vehicle or an authorized emergency vehicle as defined by Section 541.201 (Vehicles).

Sec. 224.1543. TRAFFIC CONTROL DEVICES. (a) Requires TxDOT to erect and maintain official traffic control devices necessary to implement and ensure compliance with lane restrictions designated under this subchapter. Authorizes TxDOT, in a contract to operate a toll lane under this subchapter, to authorize the contracted entity to erect and maintain necessary official traffic control devices.

(b) Provides that Section 544.004 (Compliance With Traffic Control Device) applies to a traffic control device erected under this section.

SECTION 7. Amends Section 224.156, Transportation Code, as follows:

Sec. 224.156. New heading: COLLECTION FEE; NOTICE; OFFENSE. (a) Makes a conforming change.

(b) Authorizes TTC, by rule, or an entity contracted to operate a toll lane, rather than a transportation corporation, by order of its governing body, rather than board of directors, to respectively impose and collect a collection fee, rather than an administrative fee, not to exceed \$100, to recover the cost of collecting an unpaid toll. Requires the entity operating the toll, rather than TxDOT, to send 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, deleting the timeframe which the notice must be sent. Makes a conforming change.

(c) - (e) Make conforming changes.

(f) No changes to this subsection.

(g) Makes conforming changes.

(h) No changes to this subsection.

(i) Authorizes an entity operating a toll lane under this subchapter to contract with a person to collect the proper toll and a required collection fee before filing a complaint charging the commission of an offense under Subsection (c), (d), or (e).

SECTION 8. Amends Section 224.158(c), Transportation Code, to make conforming changes.

SECTION 9. Amends Section 545.0651, Transportation Code, as follows:

Sec. 545.0651. New heading: RESTRICTION ON USE OF HIGHWAY. (a) Defines "commission" and redefines "highway." Redesignates Subdivision (1) as Subdivision (1-a).

(b) Authorizes TTC, by order, to restrict, by class of vehicle, through traffic to two or more designated lanes of a highway. Requires TTC, if the lanes to be restricted

by TTC are located within a municipality, to consult with the municipality before adopting an order under this section. Authorizes a municipality, by ordinance, to restrict, by class of vehicle, through traffic to two or more designated lanes of a highway in the municipality.

(c) Includes a reference to an order under Subsection (b), in addition to an ordinance. Deletes text referring to peak traffic hours. Makes nonsubstantive changes.

(d) Deletes the specification of an ordinance under this section and specifies a, rather than the, municipality. Deletes text referring to appropriate control devices. Makes nonsubstantive changes.

(e) No changes to this subsection.

(f) Authorizes TxDOT's executive director or the executive director's designee to suspend or rescind approval of any restrictions approved under Subsection (d), rather than this section, for certain reasons.

(g) Prohibit a restriction approved under this section from being enforced until the appropriate traffic control devices are in place. Makes a conforming change.

SECTION 10. Effective date: upon passage or September 1, 2003.