

BILL ANALYSIS

Senate Research Center
78R8324 JTS-F

S.B. 1066
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Infrastructure Development and Security
3/21/2003
As Filed

DIGEST AND PURPOSE

Mobility problems are most apparent in areas with high volumes of truck traffic, but current funding constraints are making it more difficult to effectively address mobility concerns by traditional means. High occupancy vehicle and toll lanes are additional ways for the Texas Department of Transportation (TxDOT) to maximize the use of its facilities and the limited funding. However TxDOT does not have the authority to designate restricted or exclusive lanes, nor is TxDOT authorized to contract with certain entities to design, operate, and maintain high occupancy vehicle or toll lanes and facilities.

As proposed, S.B. 1066 authorizes TxDOT to designate restricted or exclusive lanes and to contract with certain entities to design, operate, and maintain high occupancy vehicle and toll lanes. The bill also exempt police and emergency vehicles from restrictions under this bill and requires construction and maintenance of traffic control devices to implement and enforce such restrictions.

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) to redefine “congestion mitigation” and “high occupancy vehicle lane,” and to define “exclusive lane,” “low-emissions vehicle,” and “restricted lane.”

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

Sec. 224.152. PURPOSE. (a) Specifies that part of the legislature’s purpose is to further Public Law Number 102-240, Section 1012(b), as amended, and includes improving safety in that purpose.

(b) Deletes reference to the Texas Transportation Commission (TTC) as a participant in projects to further the purpose of the legislature, and includes expenditure of available funds by the Texas Department of Transportation (TxDOT) in which TxDOT will participate.

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

Sec. 224.153. HIGH OCCUPANCY VEHICLE LANES AUTHORIZED. (a) Includes authorization for TxDOT, rather than TTC, to finance high occupancy vehicle lanes, in addition to performing other activities related to such lanes. Deletes a reference to a transportation corporation’s role in the activities. Makes nonsubstantive changes.

(b) Includes the authorization for TxDOT to enter into an agreement with a transit authority under Chapter 451 (Metropolitan Rapid Transit Authorities), Chapter 452

(Regional Transportation Authorities), or Chapter 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 authority.

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

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

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

(b) Creates this subsection from existing text. Provides that if TTC authorizes TxDOT to charge a toll under Subsection (a), TxDOT, rather than TTC, may enter into an agreement with certain entities to perform certain duties. Includes a regional mobility authority under Chapter 361 (Texas Turnpike Authority) and a county acting under Chapter 284 (Causeways, Bridges, Tunnels, Turnpikes, and Highways in Certain Counties) in the list of entities with which TxDOT may enter into an agreement with and includes design, construction, or maintenance of a toll lane under this section in the list of duties for which certain entities may be contracted. Specifies a reference to a state highway facility under this section, rather than subsection. Makes nonsubstantive changes.

(c) Redesignates this subsection from Subsection (b). Authorizes for TxDOT or the entity contracted to operate the toll lane, in addition to TTC, to set the toll charge amount. Deletes the existing Subsection (c), referring to congestion mitigation projects and successor agencies to the Texas Turnpike Authority.

(d) Requires revenue generated from toll charges and collection, 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 used only for state highway system improvement projects. Makes conforming changes.

(e) No changes to this subsection.

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

Sec. 224.1541. EXCLUSIVE LANES. (a) Authorizes TTC, by order, 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 under certain conditions.

(c) Authorizes the adjacent lanes or multilane facility under Subsection (b) to be designated as exclusive lanes or an exclusive lane facility for vehicles that are prohibited from the exclusive lane.

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 or 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 enforce restrictions under this subchapter. Authorizes TxDOT to authorize the entity contracted to operate a toll lane under this subchapter 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 conforming changes.

(b) Authorizes TTC or an entity contracted to operate a toll lane to impose and collect a collection fee by rule or order of its governing body, respectively. Deletes references to a transportation corporation, board of directors, and an administrative fee. Requires the entity operating the toll lane, rather than TxDOT, to send a notice of nonpayment to the registered vehicle owner at the owner's address as shown in the vehicle registration records of TxDOT by first-class mail. Deletes the deadline by which the notice is to be sent. Makes a conforming change.

(c) Makes conforming changes.

(d) Specifies the entity operating the toll lane, rather than TxDOT or the transportation corporation, as the recipient of proof of rental, lease, or other contract document covering the vehicle on the date of nonpayment. Makes a conforming change.

(e) Makes 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 TTC of an offense under Subsection (c), (d), or (e).

SECTION 8. Amends Section 224.158(c), Transportation Code, to require an entity operating a toll lane under this subchapter, rather than certain entities, to consider offering motor vehicle operators the option of using a transponder to pay tolls.

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."

(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 are located in a municipality, to consult with the municipality before adopting an order under this section. Makes a conforming change.

- (c) Makes a conforming change and deletes text referring to peak traffic hours.
- (d) Deletes text specifying adoption of an ordinance under this section and redesignates the requirement to submit a proposed restriction to TxDOT to a municipality, rather than the municipality. Deletes text referring to appropriate traffic control devices. Makes nonsubstantive changes.
- (e) No changes to this subsection.
- (f) Authorizes TxDOT's executive director, or the designee thereof, to suspend or rescind approval of any restriction approved under Subsection (d), rather than this section, for certain reasons.
- (g) Requires TxDOT to erect and maintain official traffic control devices necessary to implement and enforce an order or an ordinance adopted, rather than just an ordinance, and approved under this section. Prohibits from a restriction approved under this section being enforced before the appropriate traffic control devices are in place.

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