

## **BILL ANALYSIS**

Senate Research Center  
82R18996 AJZ-F

C.S.S.B. 565  
By: Hegar, Watson  
Transportation & Homeland Security  
3/31/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 565 seeks to remove all remaining references in state law to the Trans-Texas Corridor. The Texas Department of Transportation (TxDOT) has already announced the cessation of all efforts to construct the Trans-Texas Corridor and given the significant public opposition to the corridor, it is important to reconcile state law with state policy. While TxDOT does not currently have the authority to enter into the financing agreements necessary to advance any corridor projects, current law does provide other authority.

C.S.S.B. 565 also authorizes the Texas Transportation Commission (TTC) to modify authorized vehicle weight limits and size limits on certain roadways. C.S.S.B. 565 also authorizes TTC to establish a speed limit not to exceed 85 miles per hour on part of a state highway under certain conditions.

C.S.S.B. 565 amends current law relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Transportation Commission (TTC) is rescinded in SECTION 14 (Section 27.002, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.11(j), Tax Code, as follows:

(j) Provides that for purposes of this section, any portion of a facility owned by the Texas Department of Transportation (TxDOT) that is a rail facility or system or is a highway in the state highway system, and that is leased to a private entity by TxDOT under Chapter 91 (Rail Facilities) or 223 (Bids and Contracts for Highway Projects), Transportation Code, rather than any portion of a facility owned by TxDOT that is part of the Trans-Texas Corridor, is a rail facility or system, or is a highway in the state highway system, and that is leased to a private entity by TxDOT under Chapter 91, 223 or 227 (Trans-Texas Corridor), Transportation Code, is public property used for a public purposes if the facility, system, or highway is operated by the private entity to provide transportation or utility services.

SECTION 2. Amends Section 25.06(c), Tax Code, as follows:

(c) Provides that this section does not apply to any portion of a facility owned by TxDOT that is a rail facility or system, or is a highway in the state highway system and that is licensed or leased to a private entity by TxDOT under Chapter 91, rather than any portion owned by TxDOT that is a part of the Trans-Texas Corridor, a rail facility or system or is a highway in the state highway system and that is licensed or leased to a private entity by TxDOT under Chapter 91, 227, or 361 (State Highway Turnpike Projects).

SECTION 3. Amends Section 25.07(c), Tax Code, to make conforming changes.

SECTION 4. Amends Sections 201.616(a) and (b), Transportation Code, as follows:

(a) Deletes existing text requiring that not later than December 1 of each year, TxDOT submit a report to the legislature that details the expenditures made by TxDOT in the preceding state fiscal year in connection with the Trans-Texas Corridor and non-highway facilities on the Trans-Texas Corridor if those expenditures are subject to Section 227.062(c) (relating to general revenue used for the Trans-Texas Corridor).

(b) Makes conforming changes.

SECTION 5. Amends Section 202.112(a), Transportation Code, to delete existing text authorizing the Texas Transportation Commission (TTC) to purchase an option to acquire property for possible use in or in connection with a facility as defined by Section 227.001 (Definitions), before a final decision has been made as to whether the transportation facility will be located on that property.

SECTION 6. Amends Section 222.003(e), Transportation Code, to delete existing text prohibiting the proceeds of bonds and other public securities issued under this section to be used for the construction of a state highway or other facility on the Trans-Texas Corridor. Deletes existing text defining "Trans-Texas Corridor."

SECTION 7. Amends Section 223.201(a), Transportation Code, to delete existing text authorizing TxDOT to enter into a comprehensive development agreement with a private entity, subject to Section 223.202 (Limitation on Department Financial Participation), to design, develop, finance, construct, maintain, repair, operate, extend, or expand a facility or a combination of facilities on the Trans-Texas Corridor. Makes nonsubstantive changes.

SECTION 8. Amends Section 223.206(d), Transportation Code, to delete existing text prohibiting TxDOT from entering into a comprehensive development agreement with a private entity under Section 227.023 (Participation by Private Entities).

SECTION 9. Amends Sections 223.208(b), (c), (e), and (f), Transportation Code, as follows:

(b) Authorizes a comprehensive development agreement entered into under this subchapter, rather than under this subchapter or Section 227.023(c) (relating to the participation by private entities) to include any provision that TxDOT considers appropriate, including certain provisions.

(c), (e), and (f) Makes conforming changes.

SECTION 10. Amends Section 224.1541, Transportation Code, by adding Subsection (d), as follows:

(d) Authorizes TTC to authorize the operation of a vehicle that exceeds the weight limitations of Subchapter B (Weight Limitations), Chapter 621 (General Provisions Relating to Vehicle Size and Weight), or the size limitations of Subchapter C (Size Limitations), Chapter 621, on a lane designated as an exclusive lane under this section if supported by an engineering and traffic study that includes an analysis of the structural capacity of bridges and pavements, current and projected traffic patterns and volume, and potential effects on public safety. Provides that this subsection does not authorize the operation of a vehicle that exceeds a maximum axle weight authorized by Chapters 621, 622 (Special Provisions and Exceptions for Oversize or Overweight Vehicles), or 623 (Permits for Oversize or Overweight Vehicles). Provides that this subsection does not apply to a roadway that is a part of the national system of interstate and defense highways.

SECTION 11. Amends Section 545.353, Transportation Code, by adding Subsection (h-2), as follows:

(h-2) Authorizes TTC, notwithstanding Section 545.352(b) (relating to lawful speeds), as amended by Chapters 663 (H.B. 385) and 739 (H.B. 1075), Acts of the 76th Legislature,

Regular Session, 1999, to establish a speed limit not to exceed 85 miles per hour on a part of the state highway system if:

(1) that part of the highway system is designed to accommodate travel at that established speed or a higher speed;

(2) TTC determines, after an engineering and traffic investigation conducted after traffic conditions on that part of the highway system have stabilized but not earlier than the first anniversary of the date that part of the highway system opens to traffic, that the established speed limit is reasonable and safe for that part of the highway system.

SECTION 12. Amends Section 371.001(2), Transportation Code, to redefine "toll project entity."

SECTION 13. Amends Section 272.001(2), Transportation Code, to redefine "toll project entity."

SECTION 14. Repealer: Section 201.618(e) (relating to hydrogen refueling stations on the Trans-Texas Corridor), Transportation Code.

Repealer: Chapter 227 (Trans-Texas Corridor), Transportation Code.

Repealer: Section 284.0032 (Trans-Texas Corridor Projects), Transportation Code.

Repealer: Section 366.305 (Trans-Texas Corridor Projects), Transportation Code.

Repealer: Section 370.316 (Trans-Texas Corridor Projects), Transportation Code.

Repealer: Section 545.3531 (Authority of Texas Transportation Commission to Establish Speed Limits on Trans-Texas Corridor), Transportation Code.

SECTION 15. Effective date: upon passage or September 1, 2011.