Chapter 771

S.B. No. 883

AN ACT

relating to the use of the state highway fund to participate in the
costs associated with a toll facility of a public or private entity.

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

SECTION 1. Section 222.001, Transportation Code, is amended
to read as follows:

Sec. 222.001. USE OF STATE HIGHWAY FUND. (a) Money that is
required to be used for public roadways by the Texas Constitution or
federal law and that is deposited in the state treasury to the
credit of the state highway fund, including money deposited to the
credit of the state highway fund under Title 23, United States Code,
may be used only:

(1) to improve the state highway system;

(2) to mitigate adverse environmental effects that
result directly from construction or maintenance of a state highway
by the department; or

(3) by the Department of Public Safety to police the
state highway system and to administer state laws relating to
traffic and safety on public roads.

(b) Notwithstanding Section 222.103, the department may not
pledge or otherwise encumber money deposited in the state highway
fund to:

(1) guarantee a loan obtained by a public or private
entity for costs associated with a toll facility of the public or
private entity; or

(2) insure bonds issued by a public or private entity for costs associated with a toll facility of the public or private entity.

SECTION 2. Subsection (b), Section 222.001, Transportation Code, as added by this Act, applies only to an agreement to pledge or otherwise encumber money in the state highway fund that is entered into on or after the effective date of this Act, except that that section does not apply to an agreement to pledge or otherwise encumber money in the state highway fund that is associated with the following projects, regardless of whether the agreement is finalized on or after the effective date of this Act:

(1) the State Highway 161 project in Dallas County;
(2) the Southwest Parkway (State Highway 121) in Tarrant County from Interstate Highway 30 to Dirks Road/Altamesa Boulevard and the Chisholm Trail project from Dirks Road/Altamesa Boulevard to U.S. Highway 67 in the city of Cleburne;
(3) a project associated with the highway designated as the Trinity Parkway in the city of Dallas;
(4) the Grand Parkway project (State Highway 99);
(5) the Hidalgo Loop project in Hidalgo County from U.S. Highway 83 near the Pharr-Reynosa International Bridge to the U.S. Highway 83 Expressway in Penitas to U.S. Highway 281 north of Edinburg to U.S. Highway 83 west of Farm-to-Market Road 1423 to U.S. Highway 83 near the Pharr-Reynosa International Bridge;
(6) the U.S. Highway 290 project from east of U.S. Highway 183 to east of Farm-to-Market Road 734 in Travis County;
S.B. No. 883

(7) the State Highway 71 East project from Riverside Drive east to east of State Highway 130 and including the interchange at State Highway 71 East/U.S. Highway 183 South in Travis County;

(8) the U.S. Highway 183 South project from Springdale Road south to State Highway 71 East in Travis County;

(9) the Loop 1 added capacity project, comprised of the addition of a managed lane on Loop 1 from Parmer Lane to State Highway 45 South in Travis County;

(10) any transaction related to the acquisition by a regional mobility authority, a regional tollway authority, or a county acting under Chapter 284 of a toll project of the department all or a portion of which was existing and in operation prior to September 1, 2009;

(11) any transaction related to the assumption by a regional mobility authority, a regional tollway authority, or a county acting under Chapter 284 of the operations of a toll project of the department all or a portion of which was existing and in operation prior to September 1, 2009;

(12) the Loop 49 project from U.S. Highway 69 north of Lindale to State Highway 110 in Smith County; or

(13) the U.S. Highway 281 project in Bexar County from Loop 1604 to the Comal County line and including five direct connectors at the Loop 1604/U.S. Highway 281 interchange.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 883 passed the Senate on May 5, 2009, by the following vote: Yeas 28, Nays 1.

J. Straus
Speaker of the House

I hereby certify that S.B. No. 883 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Robert Hardy
Secretary of the Senate

Chief Clerk of the House

Approved: 19 Jun '09

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 P.M. 12 O'CLOCK
JUN 19 2009

Colby Shuster

4