

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE G. TURNPIKES AND TOLL PROJECTS

CHAPTER 362. TURNPIKES AND TOLL PROJECTS

SUBCHAPTER A. JOINT TURNPIKE PROJECTS

SUBCHAPTER B. COMMISSION APPROVAL OF TOLL PROJECTS

Sec. 362.051. COMMISSION APPROVAL OF TOLL PROJECT REQUIRED.

(a) Except as provided by Section 362.055, a governmental or private entity must obtain the commission's approval before beginning construction of a toll road, toll bridge, or turnpike that is to be a part of the state highway system.

(b) In deciding whether to approve a proposed toll road, toll bridge, or turnpike, the commission shall consider:

(1) the feasibility of effectively integrating the toll road, toll bridge, or turnpike into the state highway system; and

(2) the ability of the department to construct any connecting roads necessary for the toll road, toll bridge, or turnpike to produce sufficient revenue to pay the debt incurred for its construction.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 362.054. BONDS NOT CONSIDERED OBLIGATIONS OF STATE.

Bonds or other debt obligations of a political subdivision reviewed under this subchapter are obligations of the issuing entity and are not obligations of the state.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 362.055. EXCEPTION. This subchapter does not apply to:

(1) a county that has a population of more than two million;

(2) a local government corporation created under Chapter 431 by a county that has a population of more than two

million; or

(3) a regional tollway authority created under Chapter [366](#).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1171, Sec. 7.02, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. [2702](#)), Sec. 126, eff. September 1, 2011.

SUBCHAPTER C. PRIVATE TURNPIKES AND TOLL PROJECTS

Sec. 362.101. DEFINITION. In this subchapter, "turnpike or toll project" means a road, highway, bridge, ferry, or similar project that is financed in whole or in part through the issuance of revenue bonds payable from toll revenue collected from users. The term does not include a project constructed, operated, maintained, or financed:

(1) under Chapter [361](#); or

(2) by a toll road authority created by a county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 362.102. COMMISSION APPROVAL OF PRIVATE TURNPIKE OR TOLL PROJECT REQUIRED. Notwithstanding any other provision of law, a private entity may not construct a privately owned turnpike or toll project that connects to a road, bridge, or highway in the state highway system unless the commission approves the private turnpike or toll project as provided by this subchapter. Before the commission may approve a private turnpike or toll project, the commission must hold a public meeting concerning the project in the region in which the project will be located.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1247 (H.B. [565](#)), Sec. 1, eff. June 20, 2015.

Sec. 362.103. RULES. The commission shall adopt procedural and substantive rules relating to approval of a project under this

subchapter, including rules requiring consideration of:

(1) the integration of the project into the state highway system embodied in the existing regional transportation plan, including the plan developed by the metropolitan planning organization, if any, of a municipality the territory or extraterritorial jurisdiction in which the project is proposed to be located;

(2) the potential effect of the project on the economy of the region in which the project is located, including the economy of each county in which the project is located and the economy of each municipality in those counties; and

(3) the potential effect of the project on the free flow of trade between the United Mexican States and this state, if the project is located in whole or in part in:

(A) a county bordering the United Mexican States;
or

(B) a county adjacent to a county described by Paragraph (A).

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 362.104. FEASIBILITY, ALIGNMENT, AND ENVIRONMENTAL STUDIES. A private entity shall conduct studies concerning the feasibility, route or alignment, and environmental effect of a proposed turnpike or toll project before requesting approval under this subchapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 362.105. USE OF EMINENT DOMAIN BY TOLL ROAD CORPORATION. Notwithstanding Section 30, Chapter 766 (H.B. 749), Acts of the 72nd Legislature, Regular Session, 1991, a corporation that has the powers, rights, and privileges of a corporation created under former Chapter 11, Title 32, Revised Statutes, as that law existed on August 31, 1991, other than a corporation to which Section [431.073\(c\)](#) applies, may not exercise the power of eminent domain granted under that former law.

Added by Acts 2015, 84th Leg., R.S., Ch. 1247 (H.B. [565](#)), Sec. 2, eff. June 20, 2015.

Sec. 362.106. AGREEMENT WITH TOLL PROJECT ENTITY. (a) In this section, "toll project entity" has the meaning assigned by Section 372.001.

(b) A private toll project entity may enter into an agreement with a public toll project entity to finance, construct, maintain, or operate a toll road.

Added by Acts 2015, 84th Leg., R.S., Ch. 1247 (H.B. 565), Sec. 2, eff. June 20, 2015.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 362.901. FREE USE OF TOLL PROJECT BY MILITARY VEHICLES. (a) The commission and the governing body of each local governmental entity or private entity that operates a toll project shall adopt rules to allow a military vehicle to use toll projects without payment of a toll or fare.

(b) A rule adopted under this section must:

(1) allow a convoy of military vehicles of this state, another state, or the United States to use the toll project without payment of a toll or fare; and

(2) allow individual military vehicles to use the toll project without payment of a toll or fare, to the greatest extent practicable, considering the technological and personnel limitations of operating the toll project.

(c) A person who claims a privilege under a rule adopted under this section to which the person is not entitled commits an offense. An offense under this subsection is a Class C misdemeanor.

(d) In this section:

(1) "Military vehicle" includes an unmarked military vehicle operated by military personnel conducting an emergency preparedness, response, or recovery operation or participating in a training exercise for an emergency preparedness, response, or recovery operation. The term does not include a vehicle operated for personal use.

(2) "Toll project" includes a toll road, toll highway, turnpike, toll bridge, ferry, or similar project, users of which

are required to pay a toll or fare.

Added by Acts 2003, 78th Leg., ch. 157, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 747 (H.B. [1274](#)), Sec. 1, eff. June 17, 2011.

Sec. 362.902. INCLUSION OF TOLL PROJECTS IN UNIFIED TRANSPORTATION PROGRAM. The department shall adopt and include in the unified transportation program of the department a list of transportation projects in each department district that the department considers to be eligible and feasible for tolling. A transportation project that is included in the list is not required to be operated as a toll project.

Added by Acts 2005, 79th Leg., Ch. 534 (H.B. [962](#)), Sec. 1, eff. September 1, 2005.