

## Texas Senate OKs Bill to Let County Set Up Own Toll Roads

BY RICHARD WILLIAMSON

DALLAS — The Texas Senate Friday approved a bill that gives Harris County authority to develop toll roads without relying on the Texas Department of Transportation for financing and supervision.

In what one senator called a "secession" from TxDOT by the state's most populous county, the Senate approved HB 1892 by a 28-to-3 vote on third and final reading. The bill piggy-backs onto a two-year moratorium on privately financed toll roads that has passed both chambers of the Legislature and is in a conference committee to resolve differences between the House and Senate versions.

A House-Senate conference committee will resolve differences between House and Senate versions of HB 1892 before it wins approval and is sent to Gov. Rick Perry, who is expected to veto it. Lawmakers anticipate having sufficient votes to override a veto.

Still awaiting Senate consideration is SB 1929 by Sen. John Carona, R-Dallas, who seeks a comprehensive plan for highway projects that includes the moratorium on privately financed toll projects.

SB 1929 won approval in the Senate Transportation and Homeland Security Committee Thursday and is expected to come before the full Senate this week. Carona said the moratorium gives the state two years to reconsider public-private financing of toll roads but does not provide any alternative funding for roads in the meantime. SB 1929 is designed to address that problem.

Carona's original version provided funding by indexing state gasoline taxes to construction costs of highways. But that provision was stripped because only the House can introduce tax measures. The gas-tax indexing could be reintroduced in the House as an amendment, according to a spokesman for the Senate Transportation and Homeland Security Committee.

Despite the moratorium that is included in all the transportation bills introduced so far, more than \$7 billion of privately financed toll projects already underway are allowed to continue.

The moratorium halts development of some sections of the \$184 billion Trans Texas Corridor by the international consortium of Cintra-Zachary and also interrupts planning for a toll project in San Antonio. Privately financed toll projects in the Dallas-Fort Worth and El Paso areas are allowed to continue.

HB1892 gives the Harris County Toll Road Authority first rights to develop any new toll projects on state-owned right of way in the county that includes Houston.

If the county passes up the project, TxDOT could step in. Payments generated by a toll project would be spent on road or clean-air projects in the same

TxDOT district or an adjoining one.

The bill also allows a county earning revenue from a toll project to receive its full share of state highway funding. If local officials and the regional plan-

ning agency decide that a local toll project is needed, TxDOT has to allow free use of the land.

Among the opponents of the bill was Sen. Steve Ogden, R-Bryan, who apologized for authoring the legislation four years ago that allowed public-private development of toll roads in the state. But he accused the Senate of "acting almost like a lynch mob" in its rush to create moratoriums and carve out local

alternatives to TxDOT.

"In this bill, what we have done is basically give the Harris County Commissioners the same authority as TxDOT," Ogden said. "We keep digging ourselves a deeper and deeper hole."

Carona spoke in favor of the bill, saying he took exception to the idea that it was rushed through the Senate without adequate thought to the consequences. □

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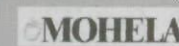
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