

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Fitch**

# A Bill

**ACT 1232 OF 1995**  
**SENATE BILL 817**

## For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 27 OF THE ARKANSAS CODE ANNOTATED  
9 TO ADD AN ADDITIONAL CHAPTER 90 THERETO FOR THE PURPOSES  
10 OF AUTHORIZING THE ARKANSAS STATE HIGHWAY COMMISSION TO  
11 ESTABLISH TURNPIKE PROJECTS AND TO COLLECT TOLLS; AND FOR  
12 OTHER PURPOSES."

## Subtitle

14 "TO AUTHORIZE THE ARKANSAS STATE HIGHWAY  
15 COMMISSION TO ESTABLISH TURNPIKE  
16 PROJECTS AND TO COLLECT TOLLS."  
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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Annotated Title 27 is amended to add an  
22 additional Chapter 90 thereto to read as follows:

23 "CHAPTER 90. TOLL HIGHWAYS

24 27-90-101. As used in this chapter, unless the context otherwise  
25 requires:

26 (1) 'Commission' means the State Highway Commission;

27 (2) 'Project' or 'turnpike project' means any highway on or a part of  
28 the state highway system constructed, reconstructed, or rehabilitated under  
29 the provisions of this chapter by the commission, including, without  
30 limitation, lands, rights-of-way, bridges, tunnels, overpasses, underpasses,  
31 interchanges, entrance plazas, approaches, toll houses, administration  
32 buildings, storage buildings, other buildings, and facilities which the  
33 commission may deem necessary or desirable for the operation of a turnpike  
34 project, together with all property, rights, easements, rights-of-way, and  
35 interest that may be acquired by the commission for or in connection with the  
36 construction or operation of a turnpike project. Each turnpike project shall

1 be separately designated by appropriate name or number and may be constructed,  
2 reconstructed, rehabilitated, or extended in sections and stages as the  
3 commission may from time to time determine.

4       27-90-102. (a) In addition to all other authorities of the commission,  
5 the commission shall have the authority to undertake turnpike projects.

6       (b) No turnpike project shall be undertaken:

7               (1) Unless and until the turnpike project involved shall have  
8 been thoroughly studied with respect to traffic, engineering, costs, and  
9 financing; and

10              (2) Unless the commission makes, by resolution duly entered in  
11 the records of the commission, a determination based upon study that public  
12 funds, or funds available from any other source, for construction,  
13 reconstruction, or rehabilitation of a free, without toll, highway are not  
14 sufficient.

15       27-90-103. (a) The commission is authorized to fix, revise, charge, and  
16 collect tolls for the use of each turnpike project and the different parts or  
17 sections thereof and to contract with any person, partnership, association,  
18 corporation, or organization desiring the use of any part thereof, and to fix  
19 the terms, conditions, rents, and rates of charges for use. However, public  
20 utilities of the State, rural electric and telephone cooperatives, political  
21 subdivisions, and pipeline companies may construct and maintain crossings of  
22 turnpike projects with their facilities, without charge, if the facilities are  
23 constructed and maintained in compliance with reasonable requirements of  
24 public safety and all costs of restoring the project to as good a condition as  
25 it was before being disturbed are paid by the owner of the facilities.

26       (b) The tolls authorized by this chapter shall not be subject to  
27 supervision or regulation by any other commission, board, bureau, or agency of  
28 the State of Arkansas.

29       27-90-104. (a) All revenue derived from this chapter shall be  
30 classified as special revenues and shall be deposited in the State Treasury.

31       (b) The net amount thereof shall be transferred by the Treasurer of  
32 State on the last business day of each month to the Arkansas State Highway and  
33 Transportation Department, there to be used for the maintenance, operation,  
34 and improvement required by the Arkansas State Highway and Transportation  
35 Department in carrying out its functions, powers, and duties."

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SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 4. Ark. Code Ann. §§27-71-501 through 27-71-504 are hereby specifically repealed. All other laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 4-12-95

