

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

349

By: Senator Malone

For An Act To Be Entitled

"AN ACT TO AUTHORIZE THE ARKANSAS HIGHWAY COMMISSION TO
ESTABLISH TURNPIKE PROJECTS AND TO COLLECT TOLLS; AND FOR
OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this chapter, unless the context otherwise requires:

- (1) "Commission" means the Arkansas Highway Commission;
- (2) "Project" or "turnpike project" means any express highway constructed under the provisions of this chapter by the Commission including, without limitation, lands, rights-of-way, bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations, administration buildings, storage buildings, other buildings, and facilities which the authority may deem necessary or desirable for the operation of a turnpike project, together with all property, rights, easements, rights-of-way, and interest that may be acquired by the Commission for or in connection with the construction or operation of a turnpike project. Each turnpike project shall be separately designated by appropriate name or number and may be constructed, reconstructed, or extended in sections and stages as the authority may from time to time determine.

SECTION 2. (a) The Commission shall have the authority to undertake turnpike projects.

- (b) No turnpike project shall be undertaken:
 - (1) Unless and until the turnpike project involved shall have been thoroughly studied with respect to traffic, engineering, costs, and financing; and
 - (2) Unless the Commission makes, by resolution duly entered in the

records of the Commission, a determination based upon study that public funds for construction of a free, without toll, highway expressway are not sufficient.

SECTION 3. The Commission is authorized to fix, revise, charge, and collect tolls for the use of each turnpike project and the different parts or sections thereof and to contract with any person, partnership, association, corporation, or organization desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, motor fuel service stations, garages, restaurants, and other facilities, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges for use. However, public utilities, rural cooperatives, political subdivisions, and pipeline companies may construct and maintain crossings of turnpike projects with their facilities, without charge, if the facilities are constructed and maintained in compliance with reasonable requirements of public safety and all costs of restoring the project to as good a condition as it was before being disturbed are paid by the owner of the facilities.

SECTION 4. (a) The Commission is authorized to fix, revise, charge, and collect tolls for the use of each turnpike project and the different parts or sections thereof and to contract with any person, partnership, association, corporation, or organization desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, motor fuel service stations, garages, restaurants, and other facilities, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges for use. However, public utilities, rural cooperatives, political subdivisions, and pipeline companies may construct and maintain crossings of turnpike projects with their facilities, without charge, if the facilities are constructed and maintained in compliance with reasonable requirements of public safety and all costs of restoring the project to as good a condition as it was before being disturbed are paid by the owner of the facilities.

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

SECTION 5. All revenue derived from this Act shall be classified as "special revenues" and shall be deposited in the State Treasury, and the net amount thereof shall be transferred by the State Treasurer on the last business day of each month to the Arkansas State Highway and Transportation Department, there to be used for the maintenance, operation and improvement required by the Arkansas State Highway and Transportation Department in carrying out its functions, powers, and duties.

SECTION 6. 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.