

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

A Bill

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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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

1 construction or operation of a turnpike project. Each turnpike project shall
2 be separately designated by appropriate name or number and may be
3 constructed, reconstructed, rehabilitated, or extended in sections and stages
4 as the commission may from time to time determine.

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

7 (b) No turnpike project shall be undertaken:

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

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

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

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

31 27-90-104. (a) All revenue derived from this chapter shall be
32 classified as special revenues and shall be deposited in the State Treasury.

33 (b) The net amount thereof shall be transferred by the Treasurer of
34 State on the last business day of each month to the Arkansas State Highway
35 and Transportation Department, there to be used for the maintenance,

1 operation, and improvement required by the Arkansas State Highway and
2 Transportation Department in carrying out its functions, powers, and duties."

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

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

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

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