

<b>POLICY</b>	<b>RULES OF THE ROAD</b> RULES AND REGULATIONS FOR THE USE OF NTTA'S ROADWAYS	Resolution Number	19-111
		Resolution Date	10/16/19
		Effective Date	10/16/19

<b>PURPOSE</b>	This policy regulates operation of motor vehicles on NTTA roadways. The civil and criminal laws of Texas relating to the operation of motor vehicles upon public highways apply on all NTTA roadways, supplemented by the following rules adopted by NTTA as authorized by Chapter 366.
<b>DEFINITIONS</b>	<p><u>Law enforcement</u> – Police or other law enforcement personnel of a state or local governmental entity, including the Texas Department of Public Safety, who police NTTA's roadways pursuant to a contract authorized by Transportation Code § 366.182(c).</p> <p><u>NTTA contractors</u> – Vendors, consultants, contractors, and other individuals or entities providing services to NTTA, or to customers on NTTA's behalf, pursuant to a contract with NTTA.</p> <p><u>Roadway</u> – A “turnpike project” as defined in Transportation Code § 366.003(11) owned or operated by NTTA. This includes all NTTA facilities, including all traffic lanes, access ramps, structures, bridges, shoulders, median strips, buildings, rights-of-way, and all other property, project, and equipment under NTTA's jurisdiction.</p> <p><u>Vehicle</u> – This term, and all types of vehicles and operators referenced in this document, are given the meanings assigned by Transportation Code Chapters 541 and 621, Occupations Code Chapter 2308, and other pertinent statutes. This term includes trailers, pole trailers, semitrailers, towable recreational vehicles, and other nonmotorized vehicles.</p> <p><u>Statutory references</u> – All references to Texas statutes or codes include any subsequent amendment or recodification of such provisions.</p>
<b>SCOPE</b>	<p><b>VEHICLE CLASSIFICATION AND TOLLS</b></p> <ul style="list-style-type: none"> <li><u>Classification</u>. Tolls and vehicle classifications for NTTA roadways are determined by independent consulting traffic engineers and approved by the NTTA Board of Directors in accordance with Transportation Code § 366.113, other applicable</li> </ul>

	<p>law, and the provisions of trust agreements securing NTTA bond issuances.</p> <ul style="list-style-type: none"> <li>• <u>Payment required</u>. Any person operating a vehicle on an NTTA roadway must pay the assessed tolls, except for persons operating authorized emergency vehicles, other vehicles exempted by law, and vehicles expressly exempted by NTTA. NTTA collects tolls and pursues remedies for late payment or failure to pay pursuant to § 366.178 and Chapter 372 of the Transportation Code.</li> <li>• <u>Evasion of tolls</u>. Failing or refusing to pay properly assessed tolls, or committing any other act with the intent to evade payment of tolls, is a violation of Texas law, including Transportation Code § 366.178.</li> <li>• <u>Unauthorized use, entry, and exit</u>. Entry upon or exit from any part of a roadway, except at interchanges and other authorized places, is prohibited (whether or not done with the intent to evade payment of tolls). Violators will be charged tolls properly payable in accordance with applicable statutes and rules, where possible, and otherwise on the basis of information available to NTTA. No vehicle travel shall be permitted other than on the main travel portion of the roadway except as expressly authorized by NTTA.</li> </ul>
<p><b>POLICY</b></p>	<p><b>SECTION 1: PROHIBITED USES AND ACTIONS</b></p> <p>(a) <u>Prohibited uses</u>. Use of a roadway by the following is prohibited at all times:</p> <ol style="list-style-type: none"> <li>(1) Pedestrians, skates, and skateboards.</li> <li>(2) Bicycles and scooters, with or without motors; mopeds; and similar motor-driven cycles (as defined by Transportation Code § 541.201).</li> <li>(3) Vehicles in such condition that they are, in the judgment of NTTA or law enforcement, unsafe for use on a roadway, including vehicles with pneumatic tires that are deflated or otherwise unsafe; vehicles operating on metal tires, solid tires worn to metal, or metal treads; and vehicles with improperly secured loads. The burden of proving the safe condition of any vehicle is on the operator of the vehicle.</li> </ol>

	<p>(4) Vehicles exceeding the current weight and/or dimension limitations of prevailing state laws, including Transportation Code Chapter 621, Subchapters B and C, or otherwise operated in violation of state law. Special permits issued by the Department of Motor Vehicles or other authorities pursuant to Transportation Code Chapter 623 do not authorize travel on NTTA roadways, unless specifically authorized in writing by NTTA. NTTA may authorize vehicles used in the performance of a contract with NTTA to use certain roadways on specific dates and times designated by NTTA. NTTA's written authorization must be in the vehicle and be able to be immediately presented to NTTA or law enforcement upon request.</p> <p>(5) Animals led, ridden, or driven on the hoof; vehicles drawn by animals; and vehicles loaded with animals or poultry not properly confined.</p> <p>(6) Farm implements and farm machinery whether self-propelled or towed.</p> <p>(7) Vehicles towed by a rope or other non-rigid connection.</p> <p>(b) <u>Hitchhiking, loitering.</u> Hitchhiking, or loitering for this or any other purpose on a roadway (including access ramps and other NTTA property), is prohibited.</p> <p>(c) <u>Waste disposal.</u> Disposing of bottles, cans, paper, debris, or other waste material of any kind on a roadway is prohibited, except by deposit in receptacles designated for that purpose by NTTA.</p> <p>(d) <u>Damage to property.</u> Except as authorized by NTTA, no person shall (1) cut, damage, or remove any trees, shrubs, flowers, or plants, whether wild or cultivated; or (2) deface, damage, or remove any sign, structure, fence, or any other property or equipment of NTTA or its contractors.</p> <p>(e) <u>Commercial activity, solicitation of funds.</u> Without NTTA's written permission, no person shall carry on any commercial activity; post, distribute, or display signs, advertisements, circulars, or other printed materials; or solicit funds for any purpose on a</p>
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roadway. Also see NTTA's Sign Policy adopted by the Board regarding displaying of logos or advertising for private businesses.

- (f) Advertising devices. No advertising device shall be placed for any purpose on lands or structures under NTTA's jurisdiction. The term "advertising device" means any billboard, sign, notice, poster, display, or other device intended to attract or that does attract the attention of drivers, including a structure erected or used in connection with the display of any such device, and all associated lighting or other attachments. This rule does not apply to (1) advertising devices erected by NTTA or NTTA's contractors with NTTA's approval; (2) directional or other official signs and signals erected or maintained by other political subdivisions or official agencies of the State of Texas or of the United States having jurisdiction; or (3) billboards or other advertising devices that were erected before NTTA's advertising and sign policies were adopted.

## **SECTION 2: VEHICLE OPERATION**

- (a) Obedience to official signs and signals. No person shall fail or refuse to comply with any order of NTTA or law enforcement acting in his or her official capacity, nor with any traffic control sign, signal, or device erected or displayed by NTTA or its contractor on a roadway, unless directed otherwise by NTTA or law enforcement.
- (b) Speed limits.
  - (1) Speed limits and other traffic safety rules applicable to NTTA roadways are determined by the NTTA Board of Directors in accordance with Transportation Code § 366.033(a)(12) and 545.354.
  - (2) No person shall drive a vehicle on any roadway at a speed greater than is reasonable and prudent under the conditions then existing. In no event shall any vehicle on a roadway be driven in excess of the speed limits prescribed by state

law or the posted limits on that roadway. See Transportation Code § 545.351.

(3) No person shall drive a vehicle on a roadway at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when such a slow speed is necessary for safe operation or is directed by NTTA or law enforcement. See Transportation Code § 545.363.

(c) Accidents. In addition to the requirements of Texas law, including Transportation Code Chapter § 550, Subchapter B, the operator of a vehicle involved in an accident on a roadway resulting in injury or death to a person, or damage to any real or personal property, shall stop such vehicle at the scene and time of the accident, render such assistance as may be needed, and provide information about the accident requested by NTTA or law enforcement and shall comply with the provisions of Section 3 below concerning stopped or disabled vehicles.

### **SECTION 3: STOPPED OR DISABLED VEHICLES**

(a) Stopping on roadway prohibited. No vehicle on a roadway shall be parked, stopped, or allowed to stand on the main roadway traffic lanes, acceleration or deceleration lanes, bridges, access ramps, or at any other place posted to the contrary. If a vehicle is stopped in such a location and unable to move because of an accident, mechanical breakdown, or other emergency, the operator or other person shall immediately summon services appropriate to the situation, including ambulance or other emergency services (911). All affected vehicles must be removed from the main roadway as promptly as it is safe to do so and are subject to immediate towing at the owner's expense.

(b) Stopping on the shoulder. In an emergency, or if an operator believes for mechanical or safety reasons that it is necessary to stop a vehicle while using a roadway, or if directed or authorized to do so by NTTA or law enforcement, the operator shall (to the extent feasible and safe) drive the vehicle or have it moved off the main roadway traffic lanes so that it is parked on the shoulder to the right of the traffic lanes

facing in the direction of travel with all wheels, projecting parts of the vehicle, and load completely clear of the traffic lanes. A vehicle may not remain in that location any longer than necessary to resolve the reason it was stopped, and is subject to removal at any time in accordance with Section 4 below.

#### **SECTION 4: TOWING AND IMPOUNDING**

- (a) Consent towing. A vehicle owner or operator may summon a tow truck to remove a damaged or disabled vehicle from the roadway and tow it to a location designated by the vehicle owner or operator, provided (1) the tow truck displays a valid permit and its operator has a valid license to conduct a “consent tow” as defined in Occupations Code § 2308.002, and (2) the tow truck summoned by the vehicle owner or operator arrives at the scene before a tow truck summoned by NTTA or law enforcement.
- (b) Non-consent towing. The following vehicles may be removed from a roadway by NTTA or by a tow truck summoned by NTTA or law enforcement without the consent of the owner or operator:
  - (1) a vehicle that is unattended on a roadway or otherwise obstructing traffic;
  - (2) a vehicle that is unlawfully parked or stopped;
  - (3) a vehicle that has been parked on the shoulder as described in Section 3(b) and in the opinion of NTTA or law enforcement should be removed for any reason;
  - (4) a vehicle that is disabled so that normal operation is impossible or impractical and the vehicle owner or operator is incapacitated and unable to provide for the vehicle’s removal or custody or is not in the immediate vicinity of the vehicle;
  - (5) a vehicle (including a trailer or other nonmotorized vehicle) that is deemed a traffic obstacle or safety hazard by NTTA or law enforcement because of the vehicle’s location, condition, or cargo, which may involve, at NTTA’s discretion, disconnecting a trailer from

	<p>the motorized vehicle to which it was attached; and</p> <p>(6) a vehicle subject to a Notice of Vehicle Ban Order and Intent to Impound issued pursuant to Transportation Code Chapter 372, Subchapter C.</p> <p>(c) <u>Incident management towing</u>. When these rules or other laws or regulations authorize NTTA or law enforcement to have a vehicle or other property removed from a roadway, NTTA or law enforcement shall summon a tow truck properly permitted and operated by a person properly licensed to conduct an “incident management tow” as defined in Occupations Code § 2308.002(5-a). Such vehicle shall be towed at the owner’s expense to (1) a location designated by the vehicle’s owner or (2) an appropriate vehicle storage facility designated by NTTA or law enforcement.</p> <p>(d) <u>Impounding of vehicles</u>. Vehicles removed from the roadway at the direction of NTTA or law enforcement may be impounded at a vehicle storage facility licensed and operated in accordance with Occupations Code Chapter 2303. The vehicle owner shall be responsible for all charges incurred as a result of the vehicle being towed or impounded.</p> <p><b>SECTION 5: REMOVAL OF HAZARDOUS MATERIAL AND OTHER PERSONAL PROPERTY</b></p> <p>(a) <u>Immediate response</u>. The owner or operator of a vehicle that experiences a leak, spill, or other improper discharge of a material or substance deemed hazardous under state or federal law shall immediately report such discharge to emergency services (911), and shall take any actions necessary or appropriate to contain such material. The owner or operator may summon a service provider to remediate and remove the hazardous material from the roadway, provided the service provider (1) is properly equipped and legally authorized to perform such service and (2) arrives at the scene before a service provider summoned for the same purpose by NTTA or law enforcement.</p>
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- (b) Removal by NTTA. NTTA may, at its discretion and without the consent of the owner or operator, remove or summon an appropriate service provider to remove from any portion of the roadway:
- (1) fuel, cargo, or other material or substance deemed hazardous under federal or state law, whether spilled on a roadway or contained in a vehicle; and
  - (2) other material or property, including cargo spilled on a roadway or contained in a vehicle, that NTTA determines should be removed for any reason.
- (c) Remediation procedure. Remediation and removal of hazardous material or other property in accordance with this Section 5, whether by the vehicle owner or operator, NTTA, or a service provider, shall be performed in a manner complying with all applicable local, state, and federal laws.

#### **SECTION 6: FINANCIAL RESPONSIBILITY**

- (a) Payment of service charges. In all cases in which towing or other services are rendered to a customer or a customer's vehicle, or property belonging to a customer is removed in accordance with Section 5, the provider of the service may collect an appropriate fee directly from the customer but shall have no recourse against NTTA. No charges incurred because of towing or impounding of vehicles, removal of property, or other service shall be made against NTTA by any party.
- (b) Limitation of liability. NTTA and its employees shall not be liable to vehicle owners, operators, or others for actions taken in connection with moving or impounding of vehicles; removal of hazardous material or other property; or any other services.
- (c) Recovery of damages. In the event NTTA incurs physical damage to its premises or loss of toll revenue as a result of (1) the negligent act or omission of the owner or operator of a vehicle on the roadway or (2) any conduct violating these rules or other applicable law, NTTA may recover



	compensation for such damage or loss from the vehicle's owner or operator.
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