

By: Krause

H.B. No. 4420

A BILL TO BE ENTITLED

AN ACT

relating to certain studies and reports regarding delivery methods,  
funding, and comprehensive development agreements for certain  
public projects, including transportation projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter P, Chapter 201, Transportation Code,  
is amended by adding Section 201.9931 to read as follows:

Sec. 201.9931. UNIFIED TRANSPORTATION PROGRAM FUNDING  
REPORT. (a) Not later than October 1 of each year, the department  
shall submit to each member of the legislature a report on the  
historical, current, and future projected funding in the unified  
transportation program.

(b) The report must:

(1) if submitted in 2021:

(A) include the amounts in each defined program  
funding category for fiscal years 2004 through 2031; and

(B) use actual funding amounts for fiscal years  
2004 through 2021 and projected funding amounts for fiscal years  
2022 through 2031;

(2) if submitted in 2022:

(A) include the amounts in Subdivision (1)(A)  
updated to reflect funding allocations made in the 2023 unified  
transportation program through fiscal year 2032; and

(B) use actual funding amounts for fiscal years

1 2004 through 2022 and projected funding amounts for fiscal years  
2 2023 through 2032;

3 (3) provide the total amount committed under the  
4 program for the year the report is submitted;

5 (4) for each fiscal year required to be reported,  
6 provide a breakdown by each defined program funding category:

7 (A) of the amount allocated to the funding  
8 category and the percentage of the total funding amount; and

9 (B) of the amount allocated to each department  
10 district and metropolitan planning organization, if applicable;

11 (5) for defined funding category 12, Strategic  
12 Priority, provide an explanation of the methodology used to  
13 prioritize project funding in fiscal year 2004 and subsequent  
14 fiscal years, including an explanation of any updates or changes to  
15 the methodology; and

16 (6) be delivered in portable document format (PDF) and  
17 a format compatible with Microsoft Excel.

18 (c) This section expires December 1, 2022.

19 SECTION 2. (a) The comptroller of public accounts, in  
20 conjunction with the Texas Department of Transportation and the  
21 Texas Water Development Board, shall conduct a study on the  
22 economic impact and feasibility of public-private partnerships as  
23 an alternative delivery method for certain projects of the  
24 department and board, including the potential economic impact if  
25 those public-private partnerships file for bankruptcy.

26 (b) In conducting the study, the comptroller shall analyze  
27 each project submitted under Subsection (c) of this section and

1 determine for each project:

2 (1) the feasibility of using an alternative project  
3 delivery method, including the use of private financing;

4 (2) the estimated savings to this state if the project  
5 used an alternative project delivery method, including private  
6 financing;

7 (3) the estimated amount of local money necessary to  
8 construct or complete the project using traditional project  
9 delivery methods compared to the money necessary for the project  
10 using an alternative project delivery method, including private  
11 financing;

12 (4) the amount of additional money available to other  
13 regions of this state if the project used an alternative project  
14 delivery method, including private financing; and

15 (5) the estimated cost of change orders for the  
16 project if the project is completed using a public-private  
17 partnership contract.

18 (c) Not later than December 31, 2021:

19 (1) the Texas Department of Transportation shall  
20 conduct a comprehensive review of:

21 (A) all proposed road projects with a project  
22 value of \$1 billion or more and submit a report of those projects to  
23 the comptroller for analysis under Subsection (b) of this section;  
24 and

25 (B) the total cost to taxpayers for entering into  
26 a public-private partnership agreement, including the cost of  
27 entering into a managed lane agreement compared to the cost of

1 adding free lanes using a cost benefit analysis; and

2 (2) the Texas Water Development Board shall conduct a  
3 comprehensive review of all projects in the state water plan with an  
4 estimated project value of more than \$1 billion and submit a report  
5 of those projects to the comptroller for analysis under Subsection  
6 (b) of this section.

7 (d) Not later than September 1, 2022, the comptroller of  
8 public accounts shall submit to the governor, the lieutenant  
9 governor, the speaker of the house of representatives, and the  
10 presiding officer of each standing committee of the legislature  
11 with jurisdiction over transportation and water matters a report on  
12 the results of the study and analysis conducted under this section  
13 and any recommendations of the comptroller relating to the study,  
14 including any statutory changes necessary.

15 (e) This section expires September 1, 2023.

16 SECTION 3. (a) In this section:

17 (1) "Comprehensive development agreement" has the  
18 meaning assigned by Section [223.201](#), Transportation Code.

19 (2) "Department" means the Texas Department of  
20 Transportation.

21 (3) "Institute" means the Texas A&M Transportation  
22 Institute.

23 (b) The institute, in consultation with the department,  
24 shall conduct a study on comprehensive development agreements  
25 entered into for transportation projects in this state. The study  
26 must include an analysis of:

27 (1) the contract provisions in comprehensive

1 development agreements relating to maintenance and safety; and

2 (2) the responsibilities of each party to the  
3 comprehensive development agreements relating to maintenance and  
4 safety.

5 (c) Not later than December 1, 2022, the institute shall  
6 submit a report containing the results of the study conducted under  
7 this section to the members of the legislature.

8 (d) This section expires January 1, 2023.

9 SECTION 4. This Act takes effect September 1, 2021.