

Amend CSHB 1892 as follows:

(1) On page 6, strike line 9 and substitute "is amended by adding Sections 284.0031, 284.0032, and 284.0033 and amending".

(2) On page 7, between lines 15 and 16, insert the following:

Sec. 284.0033. PROHIBITION AGAINST LIMITING OR PROHIBITING CONSTRUCTION OF TRANSPORTATION PROJECTS. (a) A comprehensive development agreement entered into by a county may not contain a provision that limits or prohibits the construction, reconstruction, expansion, rehabilitation, operation, or maintenance of a highway or other transportation project by the county or another governmental entity, including by a private entity under a contract with the county or another governmental entity.

(b) Except as provided in Subsection (c), a comprehensive development agreement may contain a provision authorizing the county to compensate the private participant in the agreement for the loss of toll revenues resulting from the construction by the county of a highway project located within an area that extends up to 5 miles from either side of the centerline of the project developed under the agreement, less the private participant's decreased operating and maintenance costs attributable to the highway project, if any.

(c) A comprehensive development agreement may not require the county to provide compensation for the construction of:

(1) any highway project contained in the state transportation plan or a transportation plan of a metropolitan planning organization in effect on the effective date of the agreement;

(2) any work or improvements on a highway project necessary for improved safety, maintenance or operational purposes; or

(3) any high occupancy vehicle exclusive lane addition or other work on any highway project that is required by an environmental regulatory agency.

(d) The private participant shall have the burden of proving any loss of toll revenue resulting from the construction of a highway project described in Subsection (b).

(e) The private participant shall provide compensation to the county in the amount of any increase in toll revenues received by the private participant that is attributable to the construction of a highway project described in Subsection (b), less the private participant's increased operating and maintenance costs attributable to the highway project, if any.

(f) In this section, "transportation project" has the meaning assigned by Section 370.003.