

Amend HB 1892 on third reading as follows:

1. Section 223.203, Transportation Code, is amended by adding subsections (f-2) and (f-3) to read as follows:

(f-2) Subsection (f-1) does not apply to a comprehensive development agreement in connection with a project:

(1) that includes one or more managed lane facilities to be added to an existing controlled-access highway;

(2) the major portion of which is located in a nonattainment or near-nonattainment air quality area as designated by the United States Environmental Protection Agency; and

(3) for which the department has issued a request for qualifications before the effective date of this section.

(f-3) Notwithstanding the TxDOT/NTTA Regional Protocol entered into between the department and the North Texas Tollway Authority (the authority) and approved on August 10, 2006, by the tollway authority and on August 24, 2006, by the department, Subsection (f-1) does not apply to a comprehensive development agreement:

(1) entered into in connection with State Highway 121 if, before the commission or the department enters into a contract for the financing, construction, or operation of the project with a private participant, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 60 days from March 26, 2007, to submit a commitment to the metropolitan planning organization which is determined to be equal to or greater than any other commitment submitted prior to March 26, 2007; if the financial value of the commitment is determined to be equal to or greater value than any other commitment submitted prior to March 26, 2007, then the commission shall allow the authority to develop the project; or

(2) entered into in connection with State Highway 161 if, before the commission or the department enters into a contract with a private participant for the financing, construction, or operation, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of

the toll project located within the boundaries of the authority, and the authority was granted a period of 90 days to submit a commitment to the metropolitan planning organization; if the authority makes a commitment to proceed, then the department shall allow the authority to proceed and the authority must enter into contracts to finance, construct, or operate the project within 180 days.

2. Section 223.208, Transportation Code, is amended by adding subsections (i) and (i-2) to read as follows:

(i) A comprehensive development agreement with a private participant that includes the collection by the private participant of tolls for the use of a toll project may be for a term not longer than 50 years for a comprehensive development agreement in connection with a project:

(1) that includes one or more managed lane facilities to be added to an existing controlled-access highway;

(2) the major portion of which is located in a nonattainment or near-nonattainment air quality area as designated by the United States Environmental Protection Agency; and

(3) for which the department has issued a request for qualifications before the effective date of this section.

(i-2) Notwithstanding the TxDOT/NTTA Regional Protocol entered into between the department and the North Texas Tollway Authority (the authority) and approved on August 10, 2006, by the tollway authority and on August 24, 2006, by the department, Subsection (i) applies to a comprehensive development agreement:

(1) entered into in connection with State Highway 121 if, before the commission or the department enters into a contract for the financing, construction, or operation of the project with a private participant, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 60 days from March 26, 2007, to submit a commitment to the metropolitan planning organization which is determined to be equal to or greater than any other commitment submitted prior to March 26, 2007; if the financial value of the commitment is determined to be equal to or

greater value than any other commitment submitted prior to March 26, 2007, then the commission shall allow the authority to develop the project; or

(2) entered into in connection with State Highway 161 if, before the commission or the department enters into a contract with a private participant for the financing, construction, or operation, an authority under Chapter 366 was granted the ability to finance, construct, or operate, as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 90 days to submit a commitment to the metropolitan planning organization; if the authority makes a commitment to proceed, then the department shall allow the authority to proceed and the authority must enter into contracts to finance, construct, or operate the project within 180 days.