

BILL ANALYSIS

Senate Research Center
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S.B. 1267
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Department of Transportation and other mobility authorities are authorized to enter into a comprehensive development agreement (CDA) with a private entity, and to allow that private entity to construct and operate a toll project. However, the public policy implications of the private entity's involvement in a toll project are not fully known. A study into these implications may be prudent before allowing more private toll projects.

As proposed, S.B. 1267 provides a 24-month moratorium on private entity toll projects and creates a legislative study committee to analyze potential outcomes of these projects during the moratorium.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 223, Transportation Code, by adding Section 223.210, as follows:

Sec. 223.210. MORATORIUM ON CERTAIN TERMS IN COMPREHENSIVE DEVELOPMENT AGREEMENTS OR SALE OF TOLL PROJECTS. (a) Defines "toll project" and "toll project entity."

(b) Prohibits a comprehensive development agreement (CDA), entered into with a private participant by a toll project entity on or after the effective date of this subsection for certain activities related to a toll project, from containing a provision permitting the private participant to operate and collect revenue from the toll project.

(c) Prohibits a toll project entity from selling or entering into a contract to sell the entity's toll project to a private entity on or after the effective date of this subsection.

(d) Creates a legislative study committee (committee). Sets forth the committee membership as appointed by certain government officials.

(e) Requires the committee to select a presiding officer from among its members, conduct public hearings, and study the public policy implications of including a provision that permits the private participant in connection with a toll project to operate and collect revenue from that project in CDA entered into by a toll project entity with the private participant.

(f) Requires the committee to prepare a written report summarizing conducted hearings, proposed legislation, recommendations relating to the sale of a toll project to a private entity in protection of the public's interest, and any other findings or recommendations of the committee, not later than December 1, 2008. Requires the committee to deliver a copy of this report to certain government officials.

(g) Provides that the committee is abolished on December 31, 2008.

(h) Provides that this section expires September 1, 2009.

SECTION 2. Effective date: upon passage or September 1, 2007.