

BILL ANALYSIS

Senate Research Center
80R14347 JD-F

C.S.S.B. 1267
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Transportation & Homeland Security
4/11/2007
Committee Report (Substituted)

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.

C.S.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) Provides that Subsection (b) does not apply to a CDA in connection with a project that includes one or more managed lane facilities to be added to an existing controlled-access highway, a project of which a major portion is located in a nonattainment or near nonattainment air quality area as designated by the United States Environmental Protection Agency, and a project for which Texas Department of Transportation (TxDOT) has issued a request for qualifications before the effective date of this section.

(c-1) Provides that Subsection (b) does not apply to a CDA in connection with a project associated with the Trinity Parkway in the city of Dallas.

(d) Defines "managed lane facility" for purposes of Subsection (c).

(e) Prohibits TxDOT from entering into a CDA in connection with a project described by Subsection (c) unless the commissioners court of the county in which the majority of the project is located passes a resolution in support of the CDA stating that the commissioners court acknowledges that the CDA may contain penalties for the construction of future competing transportation projects

that are acquired or constructed during the term of the CDA and agrees that TxDOT should execute the CDA knowing these potential penalties.

(f) 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.

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

(h) 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.

(i) 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.

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

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

(l) Provides that Subsections (b) through (e) do not apply to a project that is located in a county with a population of 575,000 or more and is adjacent to an international border.

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