

By: Harper-Brown

H.B. No. 3479

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of, procedures related to, and other
3 reform measures for the Texas Department of Transportation.

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

5 SECTION 1. TOLL REVENUE PROJECTION. The Department of
6 Transportation may not make projections, using department
7 personnel, of revenue to be generated by a toll road project. Those
8 projections may be made only under an interagency contract between
9 the department and the comptroller of public accounts under which
10 the comptroller:

11 (1) makes the projections for the department; and

12 (2) projects the toll revenue for each geographic
13 region of a toll road segment before the department signs an
14 agreement with a developer to operate, lease, or finance that
15 segment.

16 SECTION 2. AUDIT OF TOLL ROAD FINANCIAL STATEMENT. The
17 state auditor shall audit each annual financial statement prepared
18 for a toll road segment or a combination of segments.

19 SECTION 3. COMPREHENSIVE DEVELOPMENT AGREEMENT APPROVAL.
20 The Department of Transportation may not enter a comprehensive
21 development agreement with a term of more than four years or
22 requiring a total expenditure of more than \$250 million unless the
23 department submits the proposed agreement to the attorney general
24 and obtains the attorney general's approval of the contract.

1 SECTION 4. POLICIES AND PROCEDURES FOR MONITORING
2 COMPLIANCE WITH CONTRACT PROVISIONS. The Department of
3 Transportation may not make a payment on a project contract with a
4 private entity unless the department has developed and implemented
5 policies and procedures for monitoring the private entity to ensure
6 timely and complete compliance with contract provisions by the
7 private entity, including provisions requiring the entity to obtain
8 insurance.

9 SECTION 5. REPORT OF INDIRECT COSTS. In each cost report
10 submitted to the legislature by the Department of Transportation
11 that includes information related to a project that is part of the
12 Trans-Texas Corridor, the department shall either include indirect
13 costs associated with the project or indicate that indirect costs
14 are not addressed in the report.

15 SECTION 6. FINANCIAL FORECASTS FOR TOLLED SEGMENTS OF
16 TRANS-TEXAS CORRIDOR. The Department of Transportation may not
17 enter into a contract for the financing, design, construction,
18 maintenance, or operation of a tolled segment of the Trans-Texas
19 Corridor, unless the department has prepared a financial forecast
20 for that segment of the Trans-Texas Corridor that includes the
21 projected toll revenues, construction costs, operating expenses,
22 and amount of revenue reasonably anticipated to be received by a
23 private participant and provided a copy of the financial forecast
24 to the governor, each member of the legislature, and the
25 comptroller of public accounts.

26 SECTION 7. INFORMATION FROM CONTRACTING PARTIES. The
27 Department of Transportation shall require, in connection with a

1 contract entered into by the department, that the contracting party
2 provide the department with sufficiently detailed information,
3 including invoices, timesheets, and other information as to its
4 charges, so that the department can properly allocate its costs and
5 link direct charges to the correct project.

6 SECTION 8. INVOICE DOCUMENTATION. The Department of
7 Transportation shall create uniform requirements for vendor
8 invoice documentation and the associated processes of submission
9 and approval of the documents. The documentation should be of
10 sufficient detail to allow determination of the allocation of all
11 costs, including wages, and whether those costs are permitted.

12 SECTION 9. COSTS INCURRED IN CONNECTION WITH TRANS-TEXAS
13 CORRIDOR. In connection with the Trans-Texas Corridor 35 project,
14 the Department of Transportation shall account for the costs of the
15 project in a manner that:

16 (1) informs members of the public as to the costs
17 incurred by this state in the financing, design, construction,
18 maintenance, or operation of the project; and

19 (2) allows the public to judge whether those costs
20 were appropriate.

21 SECTION 10. POSTING OF COSTS RELATING TO THE TRANS-TEXAS
22 CORRIDOR ON INTERNET. The Department of Transportation shall post
23 on the department's Internet website, in a timely manner, the costs
24 incurred by the department in connection with the financing,
25 design, construction, maintenance, or operation of the Trans-Texas
26 Corridor.

27 SECTION 11. APPROVAL OF CREATION OF TRUST FUNDS BY THE

1 COMPTROLLER. The comptroller must approve the creation of any
2 trust fund outside the state treasury. The Department of
3 Transportation may not deposit bond proceeds for state highway toll
4 projects into a trust fund.

5 SECTION 12. EFFECTIVE DATE. This Act takes effect
6 September 1, 2007.