

By: Krusee

H.B. No. 3721

A BILL TO BE ENTITLED

AN ACT

relating to classification of comprehensive development agreements for certain transportation projects.

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

SECTION 1. Sections 223.201(a) and (b), Transportation Code, are amended to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement, including a concession CDA and a design-build CDA, with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

(1) toll project;

(2) facility or a combination of facilities on the Trans-Texas Corridor;

(3) state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(4) state highway improvement project in which the private entity has an interest in the project; or

(5) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986.

(b) In this subchapter:

(1) "Comprehensive" ~~,"comprehensive"~~ development

1 agreement" means an agreement that, at a minimum, provides for the
2 design and construction, rehabilitation, expansion, or improvement
3 of a project described by [~~in~~] Subsection (a) and may also provide
4 for the financing, acquisition, maintenance, or operation of a
5 project described by [~~in~~] Subsection (a).

6 (2) "Concession CDA" means a comprehensive
7 development agreement that includes the financing or operation of a
8 project described by Subsection (a).

9 (3) "Design-build CDA" means a comprehensive
10 development agreement that does not include the financing or
11 operation of a project described by Subsection (a).

12 SECTION 2. Sections 370.305(a) and (b), Transportation
13 Code, are amended to read as follows:

14 (a) An authority may use a comprehensive development
15 agreement, including a concession CDA and a design-build CDA, with
16 a private entity to construct, maintain, repair, operate, extend,
17 or expand a transportation project.

18 (b) A comprehensive development agreement is an agreement
19 with a private entity that, at a minimum, provides for the design
20 and construction of a transportation project and may also provide
21 for the financing, acquisition, maintenance, or operation of a
22 transportation project. A concession CDA is a comprehensive
23 development agreement that includes the financing or operation of a
24 transportation project. A design-build CDA is a comprehensive
25 development agreement that does not include the financing or
26 operation of a transportation project.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.