

By: Nelson

S.B. No. 995

A BILL TO BE ENTITLED

AN ACT

relating to the publication of certain information regarding proposed toll projects.

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

SECTION 1. Subtitle G, Title 6, Transportation Code, is amended by adding Chapter 371 to read as follows:

CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN

ONE TYPE OF TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 371.001. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:

(A) a part of the state highway system; or

(B) subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, operate, and maintain a toll project, including:

(A) the department;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

(D) a county under Chapter 284.

1 [Sections 371.002-371.050 reserved for expansion]

2 SUBCHAPTER B. PUBLIC DISCLOSURE

3 Sec. 371.051. DISCLOSURE OF FINANCIAL INFORMATION.

4 (a) Before a toll project entity enters into a contract for the
5 construction of a toll project, the entity shall publish in the
6 manner provided by Section 371.052 information regarding:

7 (1) project financing, including:

8 (A) the total amount of debt that has been and
9 will be assumed to acquire, design, construct, operate, and
10 maintain the toll project;

11 (B) a description of how the debt will be repaid,
12 including a projected timeline for repaying the debt; and

13 (C) the projected amount of interest that will be
14 paid on the debt;

15 (2) whether the toll project will continue to be
16 tolled after the debt has been repaid;

17 (3) a description of the method that will be used to
18 set toll rates;

19 (4) a description of any terms in the contract
20 relating to competing facilities, including any penalties
21 associated with the construction of a competing facility;

22 (5) a description of any terms in the contract
23 relating to a public buy back provision, including any information
24 regarding how the value of the project will be calculated for the
25 purposes of a public buy back and whether that calculation would be
26 based on estimated future revenues or investments, expenditures,
27 and rate of return;

1 (6) the initial toll rate, the methodology for
2 increasing toll rates, and the projected toll rate at the end of the
3 term of the contract; and

4 (7) the projected total amount of concession payments.

5 (b) A toll project entity may not enter into a contract for
6 the construction of a toll project before the 30th day after the
7 date the information is first published under Section 371.052.

8 Sec. 371.052. DISCLOSURE BY PUBLICATION. (a) Information
9 under Section 371.051 must be published in a newspaper published in
10 the county in which the toll project is to be constructed once a
11 week for at least two weeks before the time set for entering into
12 the contract and in two other newspapers that the toll project
13 entity may designate.

14 (b) Instead of the notice required by Subsection (a), if the
15 toll project entity estimates that the contract involves an amount
16 less than \$300,000, the information may be published in two
17 successive issues of a newspaper published in the county in which
18 the improvement is to be made.

19 (c) If a newspaper is not published in the county in which
20 the toll project is to be constructed, notice shall be published in
21 a newspaper published in the county:

22 (1) nearest the county seat of the county in which the
23 improvement is to be made; and

24 (2) in which a newspaper is published.

25 Sec. 371.053. HEARING. A toll project entity shall hold a
26 public hearing on the information published under Section 371.052
27 after the date the information is first published and before the

1 entity enters into the contract.

2 SECTION 2. This Act takes effect September 1, 2007.