

By: Pickett

H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain transportation entities to enter into a comprehensive development agreement.

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

SECTION 1. Section 91.054(a), Transportation Code, is amended to read as follows:

(a) To the extent and in the manner that the department may enter into a comprehensive development agreement under Chapter 223, the department may enter into a comprehensive development agreement under this chapter that provides for the financing, design, acquisition, construction, maintenance, or operation of a rail facility or system. Except as otherwise provided by this subsection, all [All] provisions of Chapter 223 relating to comprehensive development agreements apply to comprehensive development agreements for facilities under this chapter, including provisions relating to the confidentiality of information. Claims arising under a comprehensive development agreement are subject to Section 201.112. A provision in Chapter 223 under which the department's authority to enter into a comprehensive development agreement expires does not apply to a comprehensive development agreement entered into under this section.

SECTION 2. Section 223.201, Transportation Code, is amended by amending Subsections (f) and (i) and adding Subsection (j) to

1 read as follows:

2 (f) Except as provided by Subsections (h), ~~and~~ (i), and
3 (j), the authority to enter into comprehensive development
4 agreements provided by this section expires on August 31, 2009.

5 (i) Except as provided by Subsection (j), the ~~[The]~~
6 authority to enter into a comprehensive development agreement for a
7 project exempted from Subsection (f) or Section 223.210(b) expires
8 August 31, 2011.

9 (j) Subsections (f) and (i) do not apply to any of the
10 following projects, provided that the department enters into a
11 comprehensive development agreement for the project on or before
12 August 31, 2013:

13 (1) the IH 35E managed lanes project in Dallas and
14 Denton Counties from IH 635 to U.S. 380;

15 (2) the State Highway 183 managed lanes project in
16 Dallas County from State Highway 161 to State Highway 114 in Irving
17 and from State Highway 114 to IH 35E in the City of Dallas;

18 (3) the IH 30 managed lanes project from the Trinity
19 River to Baird Farm Road in Tarrant County;

20 (4) a project on the IH 69 corridor south of Refugio
21 County, including improvements to U.S. 77, or a toll project from
22 which the revenue is used to finance that corridor;

23 (5) the extension of State Highway 130 from Seguin to
24 San Antonio; and

25 (6) a project for which:

26 (A) a local toll project entity declines to
27 exercise its option or to perform another action necessary to

1 develop, construct, and operate the project under Section 228.0111;
2 and

3 (B) the governing body of the local toll project
4 entity requests the department to develop the project under a
5 comprehensive development agreement.

6 SECTION 3. Section 228.0111(s), Transportation Code, is
7 amended to read as follows:

8 (s) This section does not apply to:

9 (1) any project for which the department has issued a
10 request for qualifications or request for competing proposals and
11 qualifications before May 1, 2007, except for the State Highway 161
12 project in Dallas County;

13 (2) the eastern extension of the President George Bush
14 Turnpike from State Highway 78 to IH 30 in Dallas County;

15 (3) the Phase 3 and 4 extensions of the Dallas North
16 Tollway in Collin and Denton Counties from State Highway 121 to the
17 Grayson County line, and the planned future extension into Grayson
18 County, regardless of which local toll project entity develops the
19 extension into Grayson County;

20 (4) the Lewisville Lake Bridge (and portions of FM 720
21 widening projects) in Denton County; ~~or~~

22 (5) the Southwest Parkway (State Highway 121) in
23 Tarrant County from Dirks Road/Altamesa Boulevard to IH 30; or

24 (6) a project described in Sections
25 223.201(j)(1)-(3).

26 SECTION 4. Sections 370.305(d) and (f), Transportation
27 Code, are amended to read as follows:

1 (d) Except as provided by Subsections (e) and (f), the
2 authority to enter into comprehensive development agreements under
3 this section expires on August 31, 2013 [~~2009~~].

4 (f) The authority to enter into a comprehensive development
5 agreement for a project exempted from Subsection (d) or Section
6 223.210(b) expires August 31, 2015 [~~2011~~].

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect on the 91st day after the last day of the
12 legislative session.