

BILL ANALYSIS

C.S.S.B. 404
By: Carona
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

H.B. 3588, Acts of the 78th Legislature, Regular Session, 2003, changes the structure of Texas transportation infrastructure financing by allowing public-private partnerships as a means for developing transportation infrastructure through comprehensive development agreements (CDAs). Chapters 223 and 370, Transportation Code, authorize the use of CDAs; however, the authority provided for under these chapters expires in August 2009. With limited means of funding transportation projects, CDAs are a necessary tool for providing financing for future transportation infrastructure.

C.S.S.B. 404 extends that the authority of the Texas Department of Transportation or a regional mobility authority to enter into comprehensive development agreements, for an additional four years.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 404 amends the Transportation Code to postpone from August 31, 2009, to August 31, 2013, the expiration date for the authority of the Texas Department of Transportation or a regional mobility authority to enter into comprehensive development agreements and to postpone from August 31, 2011, to August 31, 2015, the expiration date with respect to certain exempted projects. The bill specifies that its provisions take effect only if S.B. 17 or another similar bill of the 81st Legislature, Regular Session, 2009, relating to the design, development, financing, construction, and operation of certain toll projects, including the determination of the primacy process for local toll project entities, becomes law.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 404 postpones the expiration dates relating to the authority of the Texas Department of Transportation or a regional mobility authority to enter into comprehensive development agreements for four years, rather than six years as in the original.