

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 404  
By: Carona  
Transportation & Homeland Security  
3/27/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2003, the 78th Legislature passed H.B. 3588, which changed 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 (Bids and Contracts for Highway Projects) and 370 (Regional Mobility Authorities), 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 provides that the authority to enter into CDAs, except under certain circumstances, is extended for an additional six years.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 223.201(f) and (i), Transportation Code, as follows:

(f) Provides that the authority to enter into comprehensive development agreements provided by this section, except as provided by Subsections (h) and (i), expires on August 31, 2015, rather than 2009.

(i) Provides that the authority to enter into a comprehensive development agreement for a project exempted from Subsection (f) or Section 223.210(b) (related to a comprehensive development agreement entered into with a private participant by a toll project entity) expires August 31, 2017, rather than 2011.

SECTION 2. Amends Sections 370.305(d) and (f), Transportation Code, as follows:

(d) Provides that the authority to enter into comprehensive development agreements under this section, except as provided by Subsections (e) and (f), expires on August 31, 2015, rather than 2009.

(f) Provides that the authority to enter into a comprehensive development agreement for a project exempted from Subsection (d) or Section 223.210(b) expires August 31, 2017, rather than 2011.

SECTION 3. Effective date, except as provided by Section 4 of this Act: September 1, 2009.

SECTION 4. Makes application of this Act contingent upon passage of 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 entities becomes law. Provides that 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 entities does not become law, this Act has no effect.