

By: Miller of Comal

H.B. No. 2610

A BILL TO BE ENTITLED

AN ACT

relating to the administration of pass-through toll agreements.

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

SECTION 1. Section 222.104, Transportation Code, is amended by amending Subsections (i) and (j) and adding Subsection (l) to read as follows:

(i) Notwithstanding any other law, including Section 228.002(b), the department is responsible for the administration of pass-through agreements under this section and is responsible ~~[to the maximum extent permitted by law, the department may delegate the full responsibility]~~ for the design, bidding, and construction, including oversight and inspection, of the facility ~~[to a municipality, county, regional mobility authority, or regional tollway authority with which the department enters into an agreement under this section]~~.

(j) An agreement under this section must provide that the municipality, county, regional mobility authority, or regional tollway authority is required to meet state design criteria, construction specifications, and contract administration procedures ~~[unless the department grants an exception]~~.

(l) The department may not agree to pay a public or private entity an amount more than an amount equal to the construction costs of a project under an agreement under this section.

SECTION 2. The change in law made to Section 222.104,

1 Transportation Code, by this Act applies only to a pass-through  
2 agreement entered into on or after September 1, 2009. A  
3 pass-through agreement entered into before September 1, 2009, is  
4 governed by the law in effect on the date the agreement was entered  
5 into, and the former law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2009.