

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 15, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1353 by Carona (Relating to contract provisions in comprehensive development agreements.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Transportation Code to prohibit a toll project entity from accepting an up-front concession payment from a private participant as part of a comprehensive development agreement in which the private participant is granted a right to operate and receive revenue from a toll project. The provisions of the bill would authorize a toll project entity to enter into a revenue sharing agreement with a private participant as part of a comprehensive development agreement. The bill would exempt certain highway projects from the prohibition on concession payments established by the bill.

The bill would take effect on September 1, 2009.

Based on the analysis of the Texas Department of Transportation (TxDOT), it is assumed the provisions of the bill would not result in a significant fiscal impact to the state. Under current law, the general authority to enter into comprehensive development agreements (CDA) is set to expire on September 1, 2009; the authority to enter into certain CDAs in non-attainment or near non-attainment areas and for which TxDOT has issued a request for qualifications before May 1, 2007, expires on August 31, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TG, TP