

By: Phillips

H.B. No. 3391

A BILL TO BE ENTITLED

AN ACT

relating to comprehensive development agreements of the Texas Department of Transportation or a regional mobility authority.

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

SECTION 1. Sections 223.201(a), (b), (f), (i), (j), and (k), Transportation Code, are amended to read as follows:

(a) Subject to Section 223.202, the department may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

(1) toll project;

(2) state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;

(3) state highway improvement project in which the private entity has an interest in the project; ~~or~~

(4) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986; or

(5) nontolled state highway improvement project authorized by the legislature.

(b) In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, reconstruction, rehabilitation,

1 expansion, or improvement of a project described in Subsection (a)
2 and may also provide for the financing, acquisition, maintenance,
3 or operation of a project described in Subsection (a).

4 (f) The department may enter into not more than 10
5 comprehensive development agreements in each state fiscal
6 biennium. In addition, the [~~The~~] department may enter into a
7 comprehensive development agreement [~~only~~] for all or part of:

8 (1) the State Highway 99 (Grand Parkway) project;

9 (2) the Interstate Highway 35E managed lanes project
10 in Dallas and Denton Counties from Interstate Highway 635 to U.S.
11 Highway 380;

12 (3) the North Tarrant Express project in Tarrant and
13 Dallas Counties, including:

14 (A) on State Highway 183 from State Highway 121
15 to State Highway 161 (Segment 2E);

16 (B) on Interstate Highway 35W from Interstate
17 Highway 30 to State Highway 114 (Segments 3A, 3B, and 3C); and

18 (C) on Interstate Highway 820 from State Highway
19 183 North to south of Randol Mill Road (Segment 4);

20 (4) the State Highway 183 managed lanes project in
21 Dallas County from State Highway 161 to Interstate Highway 35E;

22 (5) the State Highway 249 project in Harris and
23 Montgomery Counties from Spring Cypress Road to Farm-to-Market Road
24 1774;

25 (6) the State Highway 288 project in Brazoria County
26 and Harris County; [~~and~~]

27 (7) the U.S. Highway 290 [~~Hempstead~~] managed lanes

1 project in Harris County from Interstate Highway 610 to State
2 Highway 99; and

3 (8) a project under Section 91.054.

4 (i) The authority to enter into a comprehensive development
5 agreement for a project described by Subsection (f), other than the
6 State Highway 99 (Grand Parkway) project and a project under
7 Section 91.054, expires August 31, 2017 [~~2015~~].

8 (j) Before the department may enter into a comprehensive
9 development agreement under Subsection (f), the department must:

10 (1) obtain, not later than August 31, 2015 [~~2013~~], the
11 appropriate environmental clearance for any project other than the
12 State Highway 99 (Grand Parkway) project; and

13 (2) present to the commission a full financial plan
14 for the project, including costing methodology and cost proposals.

15 (k) Not later than December 1, 2014 [~~2012~~], the department
16 shall provide [~~present~~] a report to the commission on the status of
17 a project described by Subsection (f). The report must include:

18 (1) the status of the project's environmental
19 clearance;

20 (2) an explanation of any project delays; and

21 (3) if the procurement is not completed, the
22 anticipated date for the completion of the procurement.

23 SECTION 2. Sections 223.2011(a), (c), and (f),
24 Transportation Code, are amended to read as follows:

25 (a) Notwithstanding Sections 223.201(f) and 370.305(c), an
26 authority under Section 370.003 may enter into not more than two
27 comprehensive development agreements in each state fiscal

1 biennium. In addition, the department or an authority [~~under~~
2 ~~Section 370.003~~] may enter into a comprehensive development
3 agreement relating to improvements to, or construction of:

4 (1) the Loop 1 (MoPac Improvement) project from
5 Farm-to-Market Road 734 to Cesar Chavez Street;

6 (2) the U.S. 183 (Bergstrom Expressway) project from
7 Springdale Road to Patton Avenue; or

8 (3) a project consisting of the construction of:

9 (A) the Outer Parkway Project from U.S. Highway
10 77/83 to Farm-to-Market Road 1847; and

11 (B) the South Padre Island Second Access Causeway
12 Project from State Highway 100 to Park Road 100.

13 (c) Not later than December 1, 2014 [~~2012~~], the department
14 or the authority, as applicable, shall present a report to the
15 commission on the status of a project described by Subsection
16 (a). The report must include:

17 (1) the status of the project's environmental
18 clearance;

19 (2) an explanation of any project delays; and

20 (3) if the procurement is not completed, the
21 anticipated date for the completion of the procurement.

22 (f) The authority to enter into a comprehensive development
23 agreement under this section expires August 31, 2017 [~~2015~~].

24 SECTION 3. Section 223.201(m), Transportation Code, is
25 repealed.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.