86R28873 JTS-F

By:  Martinez H.B. No. 1644

Substitute the following for H.B. No. 1644:

By:  Bernal C.S.H.B. No. 1644

A BILL TO BE ENTITLED

AN ACT

relating to Texas Department of Transportation and regional mobility authority comprehensive development agreements.

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

SECTION 1.  Section 223.201(b), Transportation Code, is redesignated as Section 223.2001, Transportation Code, and amended to read as follows:

Sec. 223.2001.  DEFINITION.  [~~(b)~~] In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, reconstruction, rehabilitation, expansion, or improvement of a project described in Section 223.201(a) [~~Subsection (a)~~] and may also provide for the financing, acquisition, maintenance, or operation of a project described in that section [~~Subsection (a)~~].

SECTION 2.  Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.2002 to read as follows:

Sec. 223.2002.  LIMITATION. The department may enter into a comprehensive development agreement only for specific projects authorized under this subchapter.

SECTION 3.  Section 223.201(f), Transportation Code, is amended to read as follows:

(f)  The department may enter into a comprehensive development agreement [~~only~~] for all or part of[~~:~~

[~~(1)~~]  the State Highway 99 (Grand Parkway) project[~~;~~

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

[~~(3)  the Interstate Highway 35W project in Tarrant County from Interstate Highway 30 to State Highway 114;~~

[~~(4)  the State Highway 183 managed lanes project in Tarrant and Dallas Counties from State Highway 121 to Interstate Highway 35E;~~

[~~(5)  the Interstate Highway 35E/U.S. Highway 67 Southern Gateway project in Dallas County, including:~~

[~~(A)  Interstate Highway 35E from 8th Street to Interstate Highway 20; and~~

[~~(B)  U.S. Highway 67 from Interstate Highway 35E to Farm-to-Market Road 1382 (Belt Line Road);~~

[~~(6)  the State Highway 288 project from U.S. Highway 59 to south of State Highway 6 in Brazoria County and Harris County;~~

[~~(7)  the U.S. Highway 290 managed lanes project in Harris County from Interstate Highway 610 to State Highway 99;~~

[~~(8)  the Interstate Highway 820 project from State Highway 183 to Randol Mill Road;~~

[~~(9)  the State Highway 114 project in Dallas County from State Highway 121 to State Highway 183;~~

[~~(10)  the Loop 12 project in Dallas County from State Highway 183 to Interstate Highway 35E;~~

[~~(11)  the Loop 9 project in Dallas and Ellis Counties from Interstate Highway 20 to U.S. Highway 67; and~~

[~~(12)  the U.S. Highway 181 Harbor Bridge project in Nueces County between U.S. Highway 181 at Beach Avenue and Interstate Highway 37~~].

SECTION 4.  Section 223.2012(a), Transportation Code, is amended to read as follows:

(a)  In this section, the North Tarrant Express project is the project on Interstate Highway 35W in Tarrant County from Interstate Highway 30 to State Highway 114 that was [~~described by Section 223.201(f)(3)~~] entered into on June 23, 2009.

SECTION 5.  Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.2014 to read as follows:

Sec. 223.2014.  AUTHORIZED PROJECTS. (a) The department may enter into a comprehensive development agreement for:

(1)  the Interstate Highway 45 North project in Harris County from Beltway 8 to Interstate Highway 10;

(2)  the Hempstead Managed Tollway project in Harris County from State Highway 99 to the Interstate Highway 610/Interstate Highway 10 interchange;

(3)  the Interstate Highway 30 project in Tarrant County from Interstate Highway 35W to east of Fielder Road;

(4)  the Interstate Highway 35E project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380; and

(5)  a project listed under Section 370.3051.

(b)  The department may combine in a comprehensive development agreement:

(1)  two or more projects authorized in this section; or

(2)  a project authorized in this section and a facility under Chapter 91.

(c)  This section expires August 31, 2029.

SECTION 6.  Section 223.202, Transportation Code, is amended to read as follows:

Sec. 223.202.  LIMITATION ON [~~DEPARTMENT~~] FINANCIAL PARTICIPATION. (a) The [~~amount of money disbursed by the~~] department may not disburse money from the state highway fund or [~~and~~] the Texas mobility fund [~~during a federal fiscal year~~] to pay all or part of the actual cost of construction for a project developed [~~the costs~~] under a comprehensive development agreement [~~agreements may not exceed 40 percent of the obligation authority under the federal-aid highway program that is distributed to this state for that fiscal year~~].

(b)  This section does not preclude the expenditure of funds by the department, or the disbursement of funds by the department to another governmental entity, for activities related to a project ultimately developed under a comprehensive development agreement, including:

(1)  environmental review;

(2)  right-of-way acquisition;

(3)  traffic estimates;

(4)  preliminary engineering;

(5)  feasibility studies; and

(6)  necessary or incidental administrative, legal, and other expenses.

SECTION 7.  Section 223.208, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i)  Notwithstanding Subsection (h), a comprehensive development agreement entered into on or before March 22, 2007, for State Highway 130 from U.S. Highway 183 to Interstate Highway 10 (Segments 5 and 6) may be amended at the discretion of the department to extend the duration of the agreement and other agreement terms if the amendment outlines the financial and other benefits the state will receive from each amendment. The amendment must require the private participant to:

(1)  design, finance, and cause to be constructed a non-tolled connector between Interstate Highway 35 and State Highway 130 that will be owned by the state; and

(2)  competitively procure the construction of the connector described in Subdivision (1).

SECTION 8.  Section 370.305(c), Transportation Code, is amended to read as follows:

(c)  An authority may enter into a comprehensive development agreement only for specific projects authorized under this subchapter [~~Except as provided by this chapter, an authority's authority to enter into a comprehensive development agreement expires on August 31, 2011~~].

SECTION 9.  Subchapter G, Chapter 370, Transportation Code, is amended by adding Section 370.3051 to read as follows:

Sec. 370.3051.  AUTHORIZED PROJECTS FOR COMPREHENSIVE DEVELOPMENT AGREEMENTS. (a) A regional mobility authority may enter into a comprehensive development agreement for:

(1)  the Interstate Highway 35 Northeast Expansion project, from Loop 410 South in Bexar County to Farm-to-Market Road 1103 in Comal County;

(2)  the Loop 1604 project in Bexar County;

(3)  the Outer Parkway project in Cameron County from U.S. Highway 77 to Farm-to-Market Road 1847;

(4)  the South Padre Island Second Access Causeway project in Cameron County from State Highway 100 to Park Road 100;

(5)  the Farm-to-Market 1925 project from U.S. Highway 281 in Hidalgo County to U.S. Highway 77 in Cameron County;

(6)  the Hidalgo County Loop project;

(7)  the International Bridge Trade Corridor project in Hidalgo County;

(8)  the State Highway 68 project in Hidalgo County;

(9)  the Interstate Highway 35 project in Travis and Williamson Counties from Ranch-to-Market Road 1431 to State Highway 45 Southeast;

(10)  the Loop 1 South project in Travis County from Cesar Chavez Street to Slaughter Lane; and

(11)  the Loop 49 project from State Highway 110 in Smith County to U.S. Highway 259 in Gregg County (Segments 6 and 7).

(b)  This section expires August 31, 2029.

SECTION 10.  The following provisions of the Transportation Code are repealed:

(1)  Sections 223.201(g), (i), (j), (k), (l), and (m); and

(2)  Section 223.2011.

SECTION 11.  This Act takes effect September 1, 2019.