

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

1  
2 relating to Texas Department of Transportation and regional  
3 mobility authority comprehensive development agreements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15           ~~[(6) the State Highway 288 project from U.S. Highway~~  
16 ~~59 to south of State Highway 6 in Brazoria County and Harris County,~~

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

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

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

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

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

27           ~~[(12) the U.S. Highway 181 Harbor Bridge project in~~

1 ~~Nueces County between U.S. Highway 181 at Beach Avenue and~~  
2 ~~Interstate Highway 37].~~

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

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

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

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

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

15 (2) the Hempstead Managed Tollway project in Harris  
16 County from State Highway 99 to the Interstate Highway  
17 610/Interstate Highway 10 interchange;

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

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

23 (5) a project listed under Section 370.3051.

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

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

27 or

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

3           (c) This section expires August 31, 2029.

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

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

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

- 20           (1) environmental review;  
21           (2) right-of-way acquisition;  
22           (3) traffic estimates;  
23           (4) preliminary engineering;  
24           (5) feasibility studies; and  
25           (6) necessary or incidental administrative, legal,  
26 and other expenses.

27           SECTION 7. Section 223.208, Transportation Code, is amended

1 by adding Subsection (i) to read as follows:

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

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

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

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

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

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

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

27 (1) the Interstate Highway 35 Northeast Expansion

1 project, from Loop 410 South in Bexar County to Farm-to-Market Road  
2 1103 in Comal County;

3 (2) the Loop 1604 project in Bexar County;

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

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

8 (5) the Farm-to-Market 1925 project from U.S. Highway  
9 281 in Hidalgo County to U.S. Highway 77 in Cameron County;

10 (6) the Hidalgo County Loop project;

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

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

14 (9) the Interstate Highway 35 project in Travis and  
15 Williamson Counties from Ranch-to-Market Road 1431 to State Highway  
16 45 Southeast;

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

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

21 (b) This section expires August 31, 2029.

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

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

25 and

26 (2) Section 223.2011.

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