

By: Israel

H.B. No. 4227

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Department of Transportation to enter into comprehensive development agreements.

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

SECTION 1. 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 a project described by Section 223.201(a)(1) or (2) if:

(1) the estimated capital costs for construction of the project exceeds \$1 billion; and

(2) the department demonstrates that state funding for the project is not available without significant reprioritization of existing funds that are designated for other highway improvement projects.

(b) The department may enter into not more than one comprehensive development agreement under this section during each fiscal year.

SECTION 2. Section 223.201(b), Transportation Code, is transferred to Subchapter E, Chapter 223, Transportation Code, 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

1 minimum, provides for the design and construction, reconstruction,
2 rehabilitation, expansion, or improvement of a project described in
3 Section 223.201(a) [~~Subsection (a)~~] and may also provide for the
4 financing, acquisition, maintenance, or operation of a project
5 described in that section [~~Subsection (a)~~].

6 SECTION 3. Subchapter E, Chapter 223, Transportation Code,
7 is amended by adding Section 223.2002 to read as follows:

8 Sec. 223.2002. LIMITATION. The department may enter into a
9 comprehensive development agreement only:

10 (1) for specific projects authorized under this
11 subchapter; or

12 (2) as provided by Subchapter F.

13 SECTION 4. Sections 223.201(f), (g), and (j),
14 Transportation Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (g) The department may combine in a comprehensive
21 development agreement under this subchapter:

22 (1) a toll project and a rail facility as defined by
23 Section 91.001; or

24 (2) two or more projects for which the department is
25 authorized under this subchapter to enter into a comprehensive
26 development agreement [~~described by Subsection (f)~~].

27 (j) Before the department may enter into a comprehensive

1 development agreement under this subchapter [~~Subsection (f)~~], the
2 department must:

3 (1) for a project other than the State Highway 99
4 (Grand Parkway) project, obtain[~~, not later than August 31, 2017,~~]
5 the appropriate environmental clearance:

6 (A) for the project; or

7 (B) for the initial or base scope of the project
8 if the project agreement provides for the phased construction of
9 the project; and

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

12 SECTION 5. Section 223.2012(a), Transportation Code, is
13 amended to read as follows:

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

18 SECTION 6. The following provisions of the Transportation
19 Code are repealed:

20 (1) Sections 223.201(i), (k), and (m); and

21 (2) Section 223.2011.

22 SECTION 7. This Act takes effect September 1, 2019.