

By: Lucio

S.B. No. 1712

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of the Texas Department of Transportation  
3 and a regional mobility authority to enter into a comprehensive  
4 development agreement for a project in Hidalgo and Cameron  
5 Counties.

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

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

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

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

19 Sec. 223.2002. LIMITATION. The department may enter into a  
20 comprehensive development agreement only:

21 (1) for specific projects authorized under this  
22 subchapter; or

23 (2) as provided by Subchapter F.

24 SECTION 3. Sections 223.201(f), (g), and (j),

1 Transportation Code, are amended to read as follows:

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

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

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

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

10 [~~(4)~~] ~~the State Highway 183 managed lanes project in~~  
11 ~~Tarrant and Dallas Counties from State Highway 121 to Interstate~~  
12 ~~Highway 35E,~~

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

15 [~~(A)~~] ~~Interstate Highway 35E from 8th Street to~~  
16 ~~Interstate Highway 20, and~~

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

19 [~~(6)~~] ~~the State Highway 288 project from U.S. Highway~~  
20 ~~59 to south of State Highway 6 in Brazoria County and Harris County,~~

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

23 [~~(8)~~] ~~the Interstate Highway 820 project from State~~  
24 ~~Highway 183 to Randol Mill Road,~~

25 [~~(9)~~] ~~the State Highway 114 project in Dallas County~~  
26 ~~from State Highway 121 to State Highway 183,~~

27 [~~(10)~~] ~~the Loop 12 project in Dallas County from State~~

1 ~~Highway 183 to Interstate Highway 35E,~~  
2 ~~[(11) the Loop 9 project in Dallas and Ellis Counties~~  
3 ~~from Interstate Highway 20 to U.S. Highway 67; and~~  
4 ~~[(12) the U.S. Highway 181 Harbor Bridge project in~~  
5 ~~Nueces County between U.S. Highway 181 at Beach Avenue and~~  
6 ~~Interstate Highway 37].~~

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

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

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

14 (j) Before the department may enter into a comprehensive  
15 development agreement [~~under Subsection (f)~~], the department must:

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

19 (A) for the project; or

20 (B) for the initial or base scope of the project  
21 if the project agreement provides for the phased construction of  
22 the project; and

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

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

27 (a) In this section, the North Tarrant Express project is

1 the project on Interstate Highway 35W in Tarrant County from  
2 Interstate Highway 30 to State Highway 114 that was [~~described by~~  
3 ~~Section 223.201(f)(3)~~] entered into on June 23, 2009.

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

6 Sec. 223.2014. AUTHORIZED PROJECTS; EXPIRATION. (a) The  
7 department may enter into a comprehensive development agreement for  
8 a project listed under Section 370.3051.

9 (b) This section expires August 31, 2025.

10 SECTION 6. Section 370.305, Transportation Code, is amended  
11 by amending Subsection (c) and adding Subsections (d), (e), and (f)  
12 to read as follows:

13 (c) An authority may enter into a comprehensive development  
14 agreement only:

15 (1) for specific projects authorized under this  
16 subchapter; or

17 (2) as provided by Subchapter K [~~Except as provided by~~  
18 ~~this chapter, an authority's authority to enter into a~~  
19 ~~comprehensive development agreement expires on August 31, 2011)].~~

20 (d) Before an authority may enter into a comprehensive  
21 development agreement, the authority must:

22 (1) obtain the appropriate environmental clearance:

23 (A) for the project; or

24 (B) for the initial or base scope of the project  
25 if the project agreement provides for the phased construction of  
26 the project; and

27 (2) present to the commission a full financial plan

1 for the project, including costing methodology and cost proposals.

2 (e) In this section, "environmental clearance" means:

3 (1) a finding of no significant impact has been issued  
4 for the project or, as applicable, for the initial or base scope of  
5 the project; or

6 (2) for a project for which an environmental impact  
7 statement is prepared, a record of decision has been issued for that  
8 project or, as applicable, for the initial or base scope of the  
9 project.

10 (f) The department may not provide any financial assistance  
11 to an authority to pay for the costs of procuring a comprehensive  
12 development agreement.

13 SECTION 7. Subchapter G, Chapter 370, Transportation Code,  
14 is amended by adding Section 370.3051 to read as follows:

15 Sec. 370.3051. AUTHORIZED PROJECT FOR COMPREHENSIVE  
16 DEVELOPMENT AGREEMENT; EXPIRATION. (a) A regional mobility  
17 authority may enter into a comprehensive development agreement for  
18 the Farm-to-Market 1925 project from U.S. Highway 281 in Hidalgo  
19 County to U.S. Highway 77 in Cameron County.

20 (b) This section expires August 31, 2025.

21 SECTION 8. Section 228.104(a), Transportation Code, is  
22 amended to read as follows:

23 (a) The principal of, interest on, and any redemption  
24 premium on bonds issued by the commission under this subchapter are  
25 payable solely from:

26 (1) the revenue of the toll project or system for which  
27 the bonds are issued, including tolls pledged to pay the bonds;

1           (2) the proceeds of bonds issued for the project or  
2 system;

3           (3) the amounts deposited in a debt service reserve  
4 fund as required by the trust agreement securing bonds issued for  
5 the project or system;

6           (4) amounts received under a credit agreement relating  
7 to the project or system for which the bonds are issued;

8           (5) surplus revenue of another project or system as  
9 authorized by Section 228.006; and

10          (6) amounts received by the department:

11               (A) as pass-through tolls under Section 222.104;

12               (B) under an agreement with a local governmental  
13 entity entered into under Section 228.254;

14               (C) under other agreements with a local  
15 governmental entity relating to the project or system for which the  
16 bonds are issued; and

17               (D) under a comprehensive development agreement  
18 entered into under Subchapter E, Chapter 223 [~~Section 223.201~~].

19          SECTION 9. The following provisions of the Transportation  
20 Code are repealed:

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

22               (2) Section 223.2011.

23          SECTION 10. This Act takes effect September 1, 2019.