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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 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 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:

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

(2) as provided by Subchapter F.

SECTION 3. Sections 223.201(f), (g), and (j), Transportation Code, are 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~~].

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

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

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

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

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

(A) for the project; or

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

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

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; EXPIRATION. (a) The department may enter into a comprehensive development agreement for a project listed under Section 370.3051.

(b) This section expires August 31, 2023.

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

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

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

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

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

(1) obtain the appropriate environmental clearance:

(A) for the project; or

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

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

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

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

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

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

SECTION 7. 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; EXPIRATION. (a) A regional mobility authority may enter into a comprehensive development agreement for:

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

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

(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 from State Highway 100 to Park Road 100;

(5) the Loop 49 project from Interstate 20 to U.S. Highway 69 (Lindale Relief Route) and from State Highway 110 to U.S. Highway 259 (Segments 6 and 7);

(6) the Loop 375 Border Highway West project in El Paso County from Race Track Drive to U.S. Highway 54;

(7) the Northeast Parkway project in El Paso County from Loop 375 east of the Railroad Drive overpass to the Texas-New Mexico border;

(8) the Loop 1604 project in Bexar County;

(9) the Hidalgo County Loop project;

(10) the International Bridge Trade Corridor project; and

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

(b) The projects described by Subsections (a)(3) and (4) may be combined into one comprehensive development agreement.

(c) This section expires August 31, 2023.

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

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

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

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

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

(4) amounts received under a credit agreement relating

to the project or system for which the bonds are issued;

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

(6) amounts received by the department:

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

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

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

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

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

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

(2) Section 223.2011.

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