By: Thompson of Brazoria

H.B. No. 3968

## A BILL TO BE ENTITLED

1	1 AN	АСТ

- 2 relating to the development, construction, and operation of toll
- 3 projects.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 ARTICLE 1. COMPREHENSIVE DEVELOPMENT AGREEMENTS FOR CERTAIN TOLL
- 6 PROJECTS
- 7 SECTION 1.01. Subchapter E, Chapter 223, Transportation
- 8 Code, is amended by adding Sections 223.2014 and 223.2015 to read as
- 9 follows:
- 10 Sec. 223.2014. COMPREHENSIVE DEVELOPMENT AGREEMENTS WITH
- 11 PRIVATE ENTITY FOR TOLL PROJECT. (a) The department may enter into
- 12 <u>a comprehensive development agreement with a private entity for a</u>
- 13 project described by Section 223.201(a)(1) or (2) if:
- 14 (1) the estimated capital costs for construction of
- 15 the project exceed \$1 billion;
- 16 (2) the department demonstrates that state funding for
- 17 the project is not available without significant reprioritization
- 18 of existing funds that are designated for other highway improvement
- 19 projects; and
- 20 (3) the construction of the project does not require
- 21 the use of money in the state highway fund.
- 22 (b) The department may enter into not more than two
- 23 comprehensive development agreements under this section during
- 24 each fiscal year.

- 1 Sec. 223.2015. VOTER APPROVAL OF CERTAIN PROJECTS REQUIRED;
- 2 ELECTION. (a) This section applies only to a project that is the
- 3 subject of a comprehensive development agreement under Section
- 4 223.2014.
- 5 (b) Notwithstanding any other law, the department or a
- 6 private entity may not construct or operate a project described by
- 7 Subsection (a) unless the project is approved by a majority of
- 8 voters voting:
- 9 (1) in all counties in which a portion of the project
- 10 <u>is to be located at an election held for that purpose, subject to</u>
- 11 Subdivision (2); or
- 12 (2) in each county in which a portion of the project is
- 13 to be located at an election held for that purpose, if the project
- 14 is to be located in:
- 15 (A) at least one county that has a population of
- 16 <u>500,000 or more; and</u>
- 17 (B) at least one county that has a population of
- 18 not more than 50,000.
- 19 (c) On request of the department, the commissioners court of
- 20 each county in which a portion of a project described by Subsection
- 21 (a) is to be located shall order an election under this section,
- 22 provided that the election may not be ordered until the scope of the
- 23 project has been finalized, including:
- 24 (1) the route of the project;
- 25 (2) the number of lanes of the project or, if the
- 26 project is an improvement, extension, or expansion of an existing
- 27 highway, the number of new or modified lanes;

1	(3) the number of tolled lanes added by the project;
2	<u>and</u>
3	(4) the method of financing for the project.
4	(d) An election under this section must be held on the first
5	November uniform election date that allows sufficient time to
6	comply with other requirements of law.
7	(e) The ballot at an election held under this section must
8	state specific information about the project, including:
9	(1) the information described by Subsections
10	(c)(1)-(4); and
11	(2) for each tolled lane added by the project, whether
12	the toll charged will be at a variable or static toll rate.
13	(f) The department shall contract with each county in which
14	a portion of the project is to be located in a manner prescribed by
15	Subchapter D, Chapter 31, Election Code.
16	(g) At an election under this section, the ballot must be
17	printed to provide for voting for or against the approval of the
18	project.
19	(h) An election under this section may not be held earlier
20	than the fifth anniversary of the date of a previous election to
21	approve the same or a substantially similar project, provided that
22	an election under this section may be held for a different project
23	regardless of whether the project involves the same private entity
24	or some or all of the counties involved in a previous election held

ARTICLE 2. REPEALERS

SECTION 2.01. The following provisions of the

25 <u>under this section</u>.

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Transportation Code are repealed:
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               (1) Section 223.2011;
                              228.001(3-a), 228.054, 228.0545,
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               (2) Sections
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   228.0546, 228.0547, 228.055, and 228.056;
               (3) Sections 284.070, 284.0701, 284.0702, 284.202,
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   284.203, 284.2031(b), 284.2032, 284.204, 284.205, 284.206,
   284.207, 284.208, 284.209, 284.210, 284.211, and 284.212;
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               (4) Section 366.178;
               (5) Section 370.177;
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               (6) Sections 372.105(c), (d), (e), and (f);
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               (7) Sections 372.106, 372.107, 372.108, 372.109,
   372.110, 372.111, 372.112, 372.113, 372.114, and 372.115; and
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               (8) Section 502.011.
                       ARTICLE 3. EFFECTIVE DATE
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         SECTION 3.01. This Act takes effect September 1, 2021.
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