

By: Thompson of Brazoria

H.B. No. 3968

A BILL TO BE ENTITLED

AN ACT

relating to the development, construction, and operation of toll projects.

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

ARTICLE 1. COMPREHENSIVE DEVELOPMENT AGREEMENTS FOR CERTAIN TOLL PROJECTS

SECTION 1.01. Subchapter E, Chapter 223, Transportation Code, is amended by adding Sections 223.2014 and 223.2015 to read as follows:

Sec. 223.2014. COMPREHENSIVE DEVELOPMENT AGREEMENTS WITH PRIVATE ENTITY FOR TOLL PROJECT. (a) The department may enter into a comprehensive development agreement with a private entity for a project described by Section 223.201(a)(1) or (2) if:

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

(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; and

(3) the construction of the project does not require the use of money in the state highway fund.

(b) The department may enter into not more than two comprehensive development agreements under this section during 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 is to be located at an election held for that purpose, subject to
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
16 500,000 or more; and

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 Transportation Code are repealed:

2 (1) Section 223.2011;

3 (2) Sections 228.001(3-a), 228.054, 228.0545,
4 228.0546, 228.0547, 228.055, and 228.056;

5 (3) Sections 284.070, 284.0701, 284.0702, 284.202,
6 284.203, 284.2031(b), 284.2032, 284.204, 284.205, 284.206,
7 284.207, 284.208, 284.209, 284.210, 284.211, and 284.212;

8 (4) Section 366.178;

9 (5) Section 370.177;

10 (6) Sections 372.105(c), (d), (e), and (f);

11 (7) Sections 372.106, 372.107, 372.108, 372.109,
12 372.110, 372.111, 372.112, 372.113, 372.114, and 372.115; and

13 (8) Section 502.011.

14 ARTICLE 3. EFFECTIVE DATE

15 SECTION 3.01. This Act takes effect September 1, 2021.