

By: Jetton

H.B. No. 1259

A BILL TO BE ENTITLED

AN ACT

relating to studies and reports regarding public-private partnerships and funding for certain public projects, including transportation projects.

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

SECTION 1. Subchapter P, Chapter 201, Transportation Code, is amended by adding Section 201.9931 to read as follows:

Sec. 201.9931. UNIFIED TRANSPORTATION PROGRAM FUNDING REPORT. (a) Not later than October 1 of each year, the department shall submit to each member of the legislature a report on the historical, current, and projected funding in the unified transportation program.

(b) The report must:

(1) if submitted in 2023:

(A) include the amounts in each defined program funding category for fiscal years 2004 through 2031; and

(B) use actual funding amounts for fiscal years 2004 through 2023 and projected funding amounts for fiscal years 2024 through 2031;

(2) if submitted in 2024:

(A) include the amounts in Subdivision (1)(A) updated to reflect funding allocations made in the 2025 unified transportation program through fiscal year 2032; and

(B) use actual funding amounts for fiscal years

1 2004 through 2024 and projected funding amounts for fiscal years
2 2025 through 2032;

3 (3) provide the total amount committed under the
4 program for the year the report is submitted;

5 (4) for each fiscal year required to be reported,
6 provide a breakdown by each defined program funding category:

7 (A) of the amount allocated to the funding
8 category and the funding category's percentage of the total funding
9 amount; and

10 (B) of the amount allocated to each department
11 district and metropolitan planning organization, if applicable;

12 (5) for defined funding category 12, Strategic
13 Priority, provide an explanation of the methodology used to
14 prioritize project funding in fiscal year 2004 and subsequent
15 fiscal years, including an explanation of any updates or changes to
16 the methodology; and

17 (6) be delivered in portable document format (PDF) and
18 a format compatible with Microsoft Excel.

19 (c) This section expires December 1, 2024.

20 SECTION 2. (a) The comptroller of public accounts, in
21 conjunction with the Texas Department of Transportation and the
22 Texas Water Development Board, shall conduct a study on the
23 economic impact and feasibility of public-private partnerships as
24 an alternative delivery method for certain projects of the
25 department and board, including the potential economic impact if
26 those public-private partnerships file for bankruptcy.

27 (b) In conducting the study, the comptroller shall analyze

1 each project submitted under Subsection (c) of this section and
2 determine for each project:

3 (1) the feasibility of using an alternative project
4 delivery method, including the use of private financing;

5 (2) the estimated savings to this state if the project
6 is completed using an alternative project delivery method,
7 including private financing;

8 (3) the estimated amount of local money necessary to
9 construct or complete the project using traditional project
10 delivery methods compared to the money necessary for the project
11 using an alternative project delivery method, including private
12 financing;

13 (4) the amount of additional money available to other
14 regions of this state if the project is completed using an
15 alternative project delivery method, including private financing;
16 and

17 (5) the estimated cost of change orders for the
18 project if the project is completed using a public-private
19 partnership contract.

20 (c) Not later than December 31, 2023:

21 (1) the Texas Department of Transportation shall
22 conduct a comprehensive review of:

23 (A) all proposed road projects with a project
24 value of \$1 billion or more and submit a report of those projects to
25 the comptroller for analysis under Subsection (b) of this section;
26 and

27 (B) the total cost to taxpayers for entering into

1 a public-private partnership agreement, including the cost of
2 entering into a managed lane agreement compared to the cost of
3 adding free lanes using a cost benefit analysis; and

4 (2) the Texas Water Development Board shall conduct a
5 comprehensive review of all projects in the state water plan with an
6 estimated project value of more than \$1 billion and submit a report
7 of those projects to the comptroller for analysis under Subsection
8 (b) of this section.

9 (d) Not later than September 1, 2024, the comptroller of
10 public accounts shall submit to the governor, the lieutenant
11 governor, the speaker of the house of representatives, and the
12 presiding officer of each standing committee of the legislature
13 with jurisdiction over transportation and water matters a report on
14 the results of the study and analysis conducted under this section
15 and any recommendations of the comptroller relating to the study,
16 including any statutory changes necessary.

17 (e) This section expires September 1, 2025.

18 SECTION 3. (a) In this section:

19 (1) "Comprehensive development agreement" has the
20 meaning assigned by Section [223.201](#), Transportation Code.

21 (2) "Department" means the Texas Department of
22 Transportation.

23 (3) "Institute" means the Texas A&M Transportation
24 Institute.

25 (b) The institute, in consultation with the department,
26 shall conduct a study on comprehensive development agreements
27 entered into for transportation projects in this state. The study

1 must include an analysis of:

2 (1) the contract provisions in comprehensive
3 development agreements relating to maintenance and safety; and

4 (2) the responsibilities of each party to the
5 comprehensive development agreements relating to maintenance and
6 safety.

7 (c) Not later than December 1, 2024, the institute shall
8 submit a report containing the results of the study conducted under
9 this section to the members of the legislature.

10 (d) This section expires January 1, 2025.

11 SECTION 4. This Act takes effect September 1, 2023.