

BILL ANALYSIS

Senate Research Center

S.B. 882
By: Carona
Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2007, the 80th Legislature passed S.B. 792, which designated local toll project entities (like the North Texas Tollway Authority (NTTA) and the Harris County Toll Road Authority) as the toll operators of all the toll projects within their service area. This authority and responsibility required the authorities to enter into agreements with private developers of the toll projects.

S.B. 882 amends Chapter 366 of the Transportation Code relating to certain powers and duties of a regional tollway authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 366.178, Transportation Code, by adding Subsection (j), as follows:

(j) Provides that in addition to the other powers and duties provided by this chapter, an authority has the same powers and duties as the Texas Department of Transportation (TxDOT) under Chapter 228 (State Highway Toll Projects), a county under Chapter 284 (Causeways, Bridges, Tunnels, Turnpikes, Ferries, and Highways in Certain Counties), and a regional mobility authority under Chapter 370 (Regional Mobility Authorities), regarding the authority's toll collection and enforcement powers for the authority's turnpike projects; and other toll projects developed, financed, constructed, or operated under an agreement, including a comprehensive development agreement, with the authority.

SECTION 2. Amends Section 366.185, Transportation Code, by adding Subsection (d-2), as follows:

(d-2) Authorizes the rules adopted under Subsection (d), notwithstanding Subsection (d-1), if the contract amount exceeds \$50 million, to provide for a stipend to be offered to an unsuccessful design-build firm that submits a response to the authority's request for additional information, in an amount that is authorized to exceed \$250,000 and is reasonably necessary, as determined by the authority in its sole discretion, to compensate the unsuccessful firm for preliminary engineering costs associated with the development of the proposal by the firm and the value of the work product contained in the proposal, including the techniques, methods, processes, and information contained in the proposal.

SECTION 3. Amends Section 366.407(g), Transportation Code, to require that the contract contain an explicit mechanism for setting the price for the purchase by the authority, rather than TxDOT, of the interest of the private participant in the contract and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the contract.

SECTION 4. Repealer: Section 366.2521 (Gifts and Contributions; Offense), Transportation Code.

Repealer: Section 366.2522 (Offering Gift to a Director; Offense), Transportation Code.

SECTION 5. Effective date: upon passage or September 1, 2009.