

Amend CSHB 300 by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. DETERMINATION OF PRIMACY FOR TOLL PROJECT DEVELOPMENT

SECTION _____.01. Subchapter A, Chapter 228, Transportation Code, is amended by adding Section 228.0112 to read as follows:

Sec. 228.0112. DETERMINATION OF PRIMACY FOR TOLL PROJECTS IN CERTAIN AREAS. (a) In this section "local toll project entity" means an entity, other than the department, that is authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (1) a regional tollway authority under Chapter 366;
- (2) a regional mobility authority under Chapter 370;

or

- (3) a county acting under Chapter 284.

(b) A transaction involving a local toll project entity under Section 228.011, Section 228.0111, or other applicable law that provides for a process under which a local toll project entity has the first option to develop, finance, construct and operate the toll project is not primarily commercial in nature but is an inherently governmental transaction whose purpose is to determine governmental jurisdiction, ownership, control, or other responsibilities with respect to a project.

(c) Any determination of value, including best value, under this Section 228.011, Section 228.0111, or other applicable federal or state law for a comprehensive development agreement or other public-private partnership arrangement involving a toll project for which a local toll project entity has exercised its rights to develop the toll project and has complied with all applicable conditions in Section 228.011, Section 228.0111 or other applicable law that provides for a process under which the local toll project entity has the first option to develop, finance, construct and operate the toll project must take into consideration factors the entity determines appropriate, including factors related to:

- (1) oversight of the toll project;
- (2) maintenance and operations costs of the toll

project;

(3) the structure and rates of tolls;

(4) economic development impacts of the toll project;

and

(5) social and environmental benefits and impacts of the toll project.

(d) Notwithstanding Section 228.011(a), Section 228.011 applies to a local toll project entity and any toll project located in the territory of a local toll project entity following the expiration of the date provided in Section 228.011(r), unless the toll project is subject to other law that provides for a process under which the local toll project entity has the first option to develop, finance, construct and operate the toll project. For the purposes of applying Section 228.011, the provisions of that section referencing a county are applicable to a local toll project entity to the same extent as a county, regardless of whether the local toll project entity is acting under Chapter 284, Chapter 366, or Chapter 370.