

AN ACT

relating to the powers and duties of a regional tollway authority.

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

SECTION 1. Section 366.178, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) In addition to the other powers and duties provided by this chapter, an authority has the same powers and duties as the department under Chapter 228, a county under Chapter 284, and a regional mobility authority under Chapter 370, regarding the authority's toll collection and enforcement powers for:

(1) the authority's turnpike projects; and

(2) other toll projects developed, financed, constructed, or operated under an agreement, including a comprehensive development agreement, with the authority.

SECTION 2. Section 366.185, Transportation Code, is amended by adding Subsection (d-2) to read as follows:

(d-2) Notwithstanding Subsection (d-1), if the contract amount exceeds \$50 million, the rules adopted under Subsection (d) may 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:

(1) may exceed \$250,000; and

(2) is reasonably necessary, as determined by the authority in its sole discretion, to compensate an unsuccessful

1 firm for:

2 (A) preliminary engineering costs associated
3 with the development of the proposal by the firm; and

4 (B) the value of the work product contained in
5 the proposal, including the techniques, methods, processes, and
6 information contained in the proposal.

7 SECTION 3. Subsection (g), Section 366.407, Transportation
8 Code, is amended to read as follows:

9 (g) Except as provided by this subsection, a comprehensive
10 development agreement with a private participant that includes the
11 collection by the private participant of tolls for the use of a toll
12 project may be for a term not longer than 50 years from the later of
13 the date of final acceptance of the project or the start of revenue
14 operations by the private participant, not to exceed a total term of
15 52 years. The contract must contain an explicit mechanism for
16 setting the price for the purchase by the authority ~~[department]~~ of
17 the interest of the private participant in the contract and related
18 property, including any interest in a highway or other facility
19 designed, developed, financed, constructed, operated, or
20 maintained under the contract.

21 SECTION 4. Sections 366.2521 and 366.2522, Transportation
22 Code, are repealed.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 882 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 882 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 143, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor