



FLOOR AMENDMENT NO. _____

BY: Hartwell

1 Amend C.S.H.B. No. 1892 by adding the following SECTION to
2 the bill, appropriately numbered, and renumbering subsequent
3 SECTIONS accordingly:

4 SECTION _____. Subchapter A, Chapter 228, Transportation
5 Code, is amended by adding Section 228.012 to read as follows:

6 Sec. 228.012. TOLL PROJECTS WITHIN BOUNDARIES OF REGIONAL
7 TOLLWAY AUTHORITY. (a) This section applies only to a toll
8 project located within the boundaries of a regional tollway
9 authority under Chapter 366.

10 (b) The tollway authority is the entity that has primary
11 responsibility for the financing, construction, and operation of a
12 toll project located within the boundaries of the authority.

13 (c) To the extent authorized by federal law or authorized or
14 required by this title, the commission and the department shall
15 assist the tollway authority in the financing, construction, and
16 operation of a toll project located within the boundaries of the
17 authority by allowing the authority to use highway right-of-way
18 owned by the department and to access the state highway system.

19 (d) Subsections (b) and (c) do not limit the authority of
20 the commission or the department to participate in the cost of
21 acquiring, constructing, maintaining, or operating a turnpike
22 project of the tollway authority under Chapter 366.

23 (e) Before the commission or the department may enter into a
24 contract for the financing, construction, or operation of a
25 proposed or existing toll project any part of which is located
26 within the boundaries of a tollway authority, the commission or
27 department shall provide the authority the first option to finance,
28 construct, or operate, as applicable, the portion of the toll
29 project located within the boundaries of the authority:

1 (1) on terms agreeable to the authority, without the
2 requirement of any payment to the commission or the department; and

3 (2) in a manner determined by the authority to be
4 consistent with the practices and procedures by which the authority
5 finances, constructs, or operates a project.

6 (f) An agreement entered into by the tollway authority and
7 the commission or the department in connection with a project under
8 Chapter 366 that is financed, constructed, or operated by the
9 authority and that is on or directly connected to the state highway
10 system may not require the authority to make any payments to the
11 commission or the department.

12 (g) An agreement entered into by the tollway authority and
13 the commission or department in connection with a project under
14 Chapter 366 that is financed, constructed, or operated by the
15 authority and that is on or directly connected to a highway in the
16 state highway system does not create a joint enterprise for
17 liability purposes.

18 (h) Before a final contract execution by the department for
19 any comprehensive development agreement project, the commissioners
20 court for any county in which a majority of the project is located
21 must pass a supporting resolution.

22 (i) Once the authority or regional transportation council
23 has received notice from the department relating to a toll project,
24 the authority has 90 days to exercise the first option to finance,
25 construct, or operate, as applicable, the toll project.