

AN ACT

relating to certain agreements by the Texas Department of Transportation involving pass-through tolls.

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

SECTION 1. Section 222.104, Transportation Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) To the maximum extent permitted by law, the department may delegate the full responsibility for design, bidding, and construction, including oversight and inspection, to a municipality, county, regional mobility authority, or regional tollway authority with whom the department enters into an agreement under this section.

(g) An agreement under this section must provide that a municipality, county, regional mobility authority, or regional tollway authority is required to meet state design criteria, construction specifications, and contract administration procedures unless the department grants an exception.

(h) An agreement under this section should prescribe the roles and responsibilities of the parties and establish time frames for any department reviews or approvals in a manner that will, to the maximum extent possible, expedite the development of the project.

SECTION 2. Subchapter E, Chapter 222, Transportation Code, is amended by adding Section 222.1045 to read as follows:

1 Sec. 222.1045. CONTRACTS OF CERTAIN PUBLIC ENTITIES. (a)

2 In this section, "public entity" means a municipality, county,
3 regional mobility authority, or a regional tollway authority.

4 (b) A public entity may contract with a private entity to
5 act as the public entity's agent in:

6 (1) the design, financing, maintenance, operation, or
7 construction, including oversight and inspection, of a toll or
8 nontoll facility under Section 222.104(b); or

9 (2) the maintenance of a state highway or a portion of
10 a state highway converted to a toll facility under Section
11 222.104(c).

12 (c) A public entity shall:

13 (1) select a private entity under Subsection (b) on
14 the basis of the private entity's qualifications and experience;
15 and

16 (2) enter into a project development agreement with
17 the private entity.

18 (d) A private entity selected shall comply with Chapter
19 1001, Occupations Code, and all laws related to procuring
20 engineering services and construction bidding that are applicable
21 to the public entity that selected the private entity.

22 (e) A public entity may assign the public entity's right to
23 payment of pass-through tolls under Section 222.104(b) or (c) to
24 the private entity.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.

1

David Dewhurst

President of the Senate

Jim Cuddihy

Speaker of the House

I certify that H.B. No. 2139 was passed by the House on May 12, 2005, by the following vote: Yeas 135, Nays 3, 1 present, not voting.

Robert Harvey

Chief Clerk of the House

I certify that H.B. No. 2139 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:15 A.M. O'CLOCK

Roger Williams
Secretary of State