

AN ACT

relating to the promotion of toll projects by the Texas Department of Transportation.

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

SECTION 1. Section 228.004, Transportation Code, is amended to read as follows:

Sec. 228.004. [~~PROMOTION OF~~] TOLL PROJECT INFORMATION. (a) The department may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing [~~promote the development and use of~~] toll projects and may enter into contracts or agreements necessary to procure marketing, advertising, or informational [~~other promotional~~] services from outside service providers.

(b) This section does not authorize the department to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

SECTION 2. The change in law made by this Act applies only to a contract or agreement entered into or renewed under Section 228.004, Transportation Code, on or after the effective date of this Act. A contract or agreement entered into or renewed under that section before the effective date of this Act is governed by the law in effect immediately before that date, and that law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2142 was passed by the House on May 15, 2009, by the following vote: Yeas 132, Nays 1, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2142 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

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.

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President of the Senate

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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.

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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.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

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Governor