

## **BILL ANALYSIS**

Senate Research Center  
83R24291 JAM-D

C.S.S.B. 1488  
By: Watson  
Transportation  
4/24/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

As the state population and trade increases, all forms of transportation infrastructure are showing stress. Rail can and should play an important role in moving freight and people around and through Texas. However, rail is very expensive to build and Texas lacks a dedicated funding source for rail infrastructure. Opening the option of a public private partnership to expand rail in Texas could help identify a funding source for such projects.

C.S.S.B. 1488 allows the Texas Department of Transportation to enter into a comprehensive development agreement, also known as a public private partnership, for rail projects in Texas.

C.S.S.B. 1488 amends current law relating to comprehensive development agreements for the financing, design, acquisition, construction, maintenance, or operation of certain passenger rail projects.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter Z, Chapter 131, Transportation Code, by adding Section 131.905, as follows:

Sec. 131.905. COMPREHENSIVE DEVELOPMENT AGREEMENTS FOR CERTAIN RAIL PROJECTS. (a) Authorizes a comprehensive development agreement for the financing, design, acquisition, construction, maintenance, or operation of a passenger rail project that uses an existing rail corridor to be entered into:

(1) by the Texas Department of Transportation (TxDOT); a regional mobility authority governed by Chapter 370 (Regional Mobility Authorities) that was created before January 1, 2003; or a rapid transit authority governed by Chapter 451 (Metropolitan Rapid Transit Authorities) that was confirmed before July 1, 1985, and in which the principal municipality has a population of less than 850,000; and

(2) for the Elgin Rail project, as identified in the Capital Area Metropolitan Planning Organization long-range transportation plan for 2035; and projects associated with the portion of the MoKan corridor located in Travis County.

(b) Provides that, notwithstanding Sections 223.201(f) (relating to the authority of the Texas Department of Transportation to enter into a comprehensive development agreement only for all or part of certain roads and highways) and (i) (relating to providing that the authority to enter into a comprehensive development agreement for a project described by Subsection (f), other than the State Highway 99 (Grand Parkway) project expires August 31, 2015), the provisions of Chapter 223 (Bids and Contracts For Highway Projects) relating to

comprehensive development agreements for a toll project entered into by TxDOT apply to comprehensive development agreements for a rail project entered into by an entity under Subsection (a).

(c) Provides that Chapter 371 (Comprehensive Development Agreements for Highway Toll Projects) applies to a comprehensive development agreement under Subsection (a) as provided by Section 371.004.

SECTION 2. Amends Subchapter A, Chapter 371, Transportation Code, by adding Section 371.004, as follows:

Sec. 371.004. **APPLICABILITY TO CERTAIN RAIL PROJECTS.** Defines "toll project entity," "toll project," and "toll" for the purposes of applying this chapter to a comprehensive development agreement under Section 131.905.

SECTION 3. Effective date: September 1, 2013.