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(b) The department shall design and construct markers at each rest area described by Subsection (a) indicating the designation of those rest areas as the Edmund P. Kuempel Rest Areas and any other appropriate information.

(c) The department shall erect markers at appropriate locations at the rest areas.

(d) Notwithstanding Subsections (b) and (c), the department is not required to design, construct, or erect a marker under this section unless a grant or donation of private funds is made to the department to cover the cost of the design, construction, and erection of the marker.

(e) Money received under Subsection (d) shall be deposited to the credit of the state highway fund.

Amendment No. 89 was adopted.

Amendment No. 49, as amended, was adopted.

Amendment No. 90

Representative Phillips offered the following amendment to **CSSB 1420**:

Floor Packet Page No. 91

Amend **CSSB 1420** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 223.201, Transportation Code, is amended by amending Subsections (f) and (i) and adding Subsections (j), (k), (l), (m), (n), (o), (p), and (q) to read as follows:

(f) The department may ~~[Except as provided by Subsections (h) and (i), the authority to]~~ enter into a comprehensive development agreement only for all or part of:

- (1) the State Highway 99 (Grand Parkway) project;
- (2) the Interstate Highway 35E managed lanes project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380;
- (3) the North Tarrant Express project in Tarrant and Dallas Counties,

including:

(A) on State Highway 183 from State Highway 121 to State Highway 161 (Segment 2E);

(B) on Interstate Highway 35W from Interstate Highway 30 to State Highway 114 (Segments 3A, 3B, and 3C); and

(C) on Interstate Highway 820 from State Highway 183 North to south of Randol Mill Road (Segment 4);

(4) the State Highway 183 managed lanes project in Dallas County from State Highway 161 to Interstate Highway 35E; and

(5) the State Highway 249 project in Harris and Montgomery Counties from Spring Cypress Road to Farm-to-Market Road 1774 ~~[agreements provided by this section expires on August 31, 2009].~~

(i) 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, or a project described by Section 91.054 [exempted from Subsection (f) or Section 223.210(b)] expires August 31, 2015 [2011].

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) obtain the appropriate environmental clearance not later than September 1, 2012, for any project other than the State Highway 99 (Grand Parkway) project;

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals; and

(3) pay the full cost of procuring the agreement.

(k) A comprehensive development agreement for the North Tarrant Express project may be comprised of a combination of agreements with one or more private entities.

(l) A comprehensive development agreement for the North Tarrant Express project may provide for negotiating and entering into facility agreements for future phases or segments of the project at the times that the department considers advantageous to the department.

(m) The department is not required to use any further competitive procurement process to enter into one or more related facility agreements with the successful proposer or affiliates of the successful proposer for a comprehensive development agreement for the North Tarrant Express project.

(n) The department may include or negotiate any matter in a comprehensive development agreement for the North Tarrant Express project that the department considers advantageous to the department.

(o) A comprehensive development agreement for the North Tarrant Express project may provide the private participant with a right of first negotiation under which the private participant or its affiliates may elect to negotiate with the department and enter into one or more related facility agreements for future phases or segments of the project without the need to participate in any further competitive procurement process.

(p) The department has exclusive judgment to determine the terms of a comprehensive development agreement for the North Tarrant Express project, including the matters to be negotiated following selection of the private participant and the timing of negotiations.

(q) The department may not develop a project under this section as a project under Chapter 227.

SECTION _____. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.2011 to read as follows:

Sec. 223.2011. LIMITED AUTHORITY FOR CERTAIN PROJECTS USING COMPREHENSIVE DEVELOPMENT AGREEMENTS. (a) Notwithstanding Section 223.201(f) and Sections 370.305(d) and (f), the department or an authority under Section 370.003 may enter into a comprehensive development agreement relating to improvements to, or construction of:

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(1) the Loop 1 (MoPac Improvement) project from Farm-to-Market Road 734 to Cesar Chavez Street;

(2) a project consisting of the construction of:

(A) the Outer Parkway Project from U.S. Highway 77/83 to Farm-to-Market Road 1847; and

(B) the South Padre Island Second Access Causeway Project from State Highway 100 to Park Road 100; or

(3) a project identified as part of the Hidalgo County Loop System or the La Joya Bypass project.

(b) Before the department or an authority may enter into a comprehensive development agreement under this section, the department or the authority, as applicable, must meet the requirements under Section 223.201(j).

(c) The authority to enter into a comprehensive development agreement under this section expires August 31, 2015.

SECTION ____ . Section 223.201(h), Transportation Code, is repealed.

SECTION ____ . (a) A governmental act taken or a decision made by the Texas Department of Transportation and the Texas Transportation Commission under Subchapter E, Chapter 223, Transportation Code, before the effective date of this Act, to negotiate, execute, or otherwise enter into a comprehensive development agreement or facility agreement relating to the North Tarrant Express Project is conclusively presumed, as of the date the act or decision occurred, to be valid and to have occurred in accordance with all applicable law.

(b) This Act does not validate any governmental act or decision that:

(1) was void at the time the act or decision occurred;

(2) violates the terms of federal law or a federal waiver; or

(3) was a misdemeanor or a felony under a statute of this state or the United States at the time the act or decision occurred.

(c) This Act does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

Amendment No. 91

Representative Pickett offered the following amendment to Amendment No. 90:

Amend Floor Amendment No. 90 by Phillips (page 91 of the prefilled amendment packet, draft number 82R25237) by adding a new SECTION, appropriately numbered, to read as follows:

SECTION ____ . Section 223.203, Transportation Code, is amended by amending Subsections (g), and adding Subsections (f-2), (l-1), (l-2), (p), and (q) to read as follows:

(f-2) A private entity responding to a request for detailed proposals issued under Subsection (f) must identify:

Jerry Phillips

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the Texas Department of Transportation
3 to enter into comprehensive development agreements for certain
4 projects.

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

6 SECTION 1. Sections 223.201(f) and (i), Transportation
7 Code, are amended to read as follows:

8 (f) The department may ~~[Except as provided by Subsections~~
9 ~~(h) and (i), the authority to]~~ enter into a comprehensive
10 development agreement only for all or part of:

11 (1) the State Highway 99 (Grand Parkway) project;

12 (2) the Grayson County Tollway project, an extension
13 of the Dallas North Tollway in Grayson County from Farm-to-Market
14 Road 121 to U.S. Highway 75 near Denison;

15 (3) the Interstate Highway 35E managed lanes project
16 in Dallas and Denton Counties from Interstate Highway 635 to U.S.
17 Highway 380;

18 (4) the North Tarrant Express project in Tarrant and
19 Dallas Counties, including:

20 (A) Interstate Highway 820 and State Highway
21 121/State Highway 183 from Interstate Highway 35W to State Highway
22 161;

23 (B) Interstate Highway 820 east from State
24 Highway 121/State Highway 183 to Randol Mill Road; and

1 (C) Interstate Highway 35W from Interstate
 2 Highway 30 to State Highway 170;

3 (5) the State Highway 183 managed lanes project in
 4 Dallas County from State Highway 161 to Interstate Highway 35E;

5 (6) the State Highway 288 project in Harris and
 6 Brazoria Counties from U.S. Highway 59 to State Highway 99;

7 (7) the State Highway 249 project in Harris and
 8 Montgomery Counties from Spring Cypress Road to Farm-to-Market Road
 9 1774;

10 (8) the U.S. Highway 290 Hempstead managed lanes
 11 project in Harris County from Interstate Highway 610 to State
 12 Highway 99; and

13 (9) the Interstate Highway 10 managed lanes project in
 14 Harris and Fort Bend Counties from State Highway 6 to
 15 Farm-to-Market Road 1463 [~~agreements provided by this section~~
 16 ~~expires on August 31, 2009~~].

17 (i) The authority to enter into a comprehensive development
 18 agreement for a project described by Subsections (f)(2), (3), (4),
 19 (5), (6), (7), (8), and (9) [~~exempted from Subsection (f) or Section~~
 20 ~~223.210(b)] expires August 31, 2015 [2011].~~

21 SECTION 2. Section 223.201(h), Transportation Code, is
 22 repealed.

23 SECTION 3. 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, 2011.