

S.B. 80

PUBLIC-PRIVATE PARTNERSHIPS FOR TOLLWAY FACILITIES

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

FEBRUARY 28, 2006 1:50 PM

Representative **David Ure** proposes the following amendments:

1. *Page 1, Lines 23 through 24*

Senate 3rd Reading Amendments

2-14-2006:

- 23 ▶ authorizes the Department of Transportation , with approval of the Transportation
Commission. to enter into public-private
24 partnerships for tollway facilities;

2. *Page 1, Line 25 through Page 2, Line 30*

a. Senate 3rd Reading Amendments

b. 2-14-2006:

- 25 ▶ requires the department and the commission to make rules establishing minimum guidelines
for tollway
26 development agreement proposals;
27 ▶ authorizes the department and the commission to accept solicited and unsolicited proposals
for
28 public-private partnerships for tollway facilities;
29 ▶ requires the department and the commission to make rules establishing procedures for
accepting
30 unsolicited proposals;

3. *Page 2, Lines 38 through 46*

Senate 3rd Reading Amendments

2-14-2006:

- 38 ▶ requires the department to submit ~~{certain provisions}~~ a tollway development agreement
proposal or amendments or
39 modifications to ~~{certain provisions of}~~ a tollway development agreement proposal to
40 the Transportation Commission for approval prior to entering into the tollway
41 development agreement;
42 ~~{requires the department to report certain provisions or amendments or modifications~~
43 to certain provisions of a tollway development agreement proposal to the
44 Legislature prior to entering into the tollway development agreement;} H

45 ▶ requires the department to report ~~{annually}~~ to the Legislature ~~{through the first year of~~
46 ~~operation of a tollway}~~ on the status and progress of a tollway; and

4. Page 4, Lines 117 through 120:

117 (2) The department and the Transportation Commission :
 (a) may solicit a tollway development agreement proposal by following the requirements of this
 section;
118 ~~{(a)}~~ (b) may award a solicited tollway development agreement contract for any tollway
119 project by following the requirements of this section; and
120 ~~{(b)}~~ (c) shall make rules, by following the procedures and requirements of Title 63, Chapter

5. Page 6, Lines 152 through 157:

152 (c) assumptions about user fees or toll rates; ~~{and}~~
153 (d) a project development and management plan, including:
154 (i) the contracting structure;
155 (ii) the plan for quality management;
156 (iii) the proposed toll enforcement plan; and
157 (iv) the plan for safety management ; and
 (e) the proposal to comply with the minimum guidelines for tollway development agreement
 proposals under Section 72-6-204 .

6. Page 6, Lines 158 through 164:

158 (6) The department and the Transportation Commission . ~~{shall}~~ :
159 (a) shall evaluate the submissions received in response to the request for proposals from the
160 prequalified proposers;
161 (b) shall comply with rules relating to discussion of proposals, best and final offers, and
162 evaluations of the proposals submitted; and
163 (c) may after considering price and other identified factors and complying with the requirements
 of Section 72-6-206 , award the contract to the
164 responsible proposer whose proposal is most advantageous to the state.

7. Page 13, Lines 376 through 378:

376 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
377 department and the commission shall make rules establishing minimum guidelines for tollway
 development
378 agreement proposals.

8. Page 14, Lines 407 through 408:

407 (3) In accordance with Title 63, Chapter, 46a, Utah Administrative Rulemaking Act,
408 the department and the commission shall establish rules and procedures for accepting unsolicited proposals
that

9. Page 14, Line 429 through Page 15, Line 460:

429 (1) Prior to the department entering into a tollway development agreement under
430 Section 72-6-203, the department shall ~~{:~~
431 ~~—(a)}~~ (a) submit to the commission for approval the ~~{ following included in a }~~ tollway
432 development agreement , including :
433 ~~{(i)}~~ (a) a description of the tollway facility, including the conceptual design of the facility
434 and all proposed interconnections with other transportation facilities;
435 ~~{(ii)}~~ (b) the proposed date for development, operation, or both of the tollway facility;
436 ~~{(iii)}~~ (c) the proposed term of the tollway development agreement;
437 ~~{(iv)}~~ (d) the proposed method to determine toll rates or user fees, including:
438 ~~{(A)}~~ (i) identification of vehicle or user classifications, or both, for toll rates;
439 ~~{(B)}~~ (ii) the original proposed toll rate or user fee for the tollway facility;
440 ~~{(C)}~~ (iii) proposed toll rate or user fee increases; and
441 ~~{(D)}~~ (iv) a maximum toll rate or user fee for the tollway facility; and
442 ~~{(v)}~~ (e) any proposed revenue, public or private, or proposed debt or equity investment that
443 will be used for the design, construction, financing, acquisition, maintenance, or operation of
444 the tollway facility ~~{; and~~
445 ~~—(b) submit the provisions of a proposed tollway development agreement approved by~~
446 ~~the commission under Subsection (1)(a) to the Executive Appropriations Committee and the~~
447 ~~Transportation Interim Committee or another committee designated by the Legislative~~
448 ~~Management Committee for review prior to entering into the agreement}~~ .
449 (2) Prior to amending or modifying ~~{ a provision of }~~ a tollway development agreement
450 ~~{ specified under Subsection (1)(a) }~~ , the department shall ~~{:~~
451 ~~—(a)}~~ submit the proposed amendment or modification to the commission for approval ~~{:~~
452 ~~and~~
453 ~~—(b) report the proposed amendment or modification approved by the commission under~~
454 ~~Subsection (2)(a) to the Executive Appropriations Committee and the Transportation Interim~~
455 ~~Committee or another committee designated by the Legislative Management Committee for~~
456 ~~review}~~ .
457 (3) The department shall report ~~{ annually }~~ to the Executive Appropriations Committee,
458 Transportation Interim Committee, or another committee designated by the Legislative
459 Management Committee ~~{ through the first year of operation }~~ on the status and progress of a
460 tollway subject to a tollway
development agreement under Section 72-6-203 ~~{ on the status and progress of the tollway }~~ .

