

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/17/15
A Bill

HOUSE BILL 1900

By: Representative Sabin

For An Act To Be Entitled

AN ACT CONCERNING PUBLIC-PRIVATE PARTNERSHIPS FOR
TRANSPORTATION FACILITIES AND PROJECTS; TO CREATE THE
PUBLIC-PRIVATE TRANSPORTATION ACT; AND FOR OTHER
PURPOSES.

Subtitle

TO PROVIDE FOR PUBLIC-PRIVATE
PARTNERSHIPS FOR TRANSPORTATION
FACILITIES AND PROJECTS; AND TO CREATE
THE PUBLIC-PRIVATE TRANSPORTATION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code Title 27 is amended to add an additional
chapter to read as follows:*

CHAPTER 4

PUBLIC-PRIVATE TRANSPORTATION ACT

Subchapter 1 – General Provisions

27-4-101. Title.

*This chapter shall be known and may be cited as the “Public-Private
Transportation Act”.*

27-4-102. Legislative findings and intent.

(a) The General Assembly finds that:

(1) There is a public need for the timely development and



operation of transportation facilities within the state that address the needs of the state by improving safety, reducing congestion, increasing capacity, and enhancing economic efficiency;

(2) The public need for the development and operation of transportation facilities may not be wholly satisfied by existing methods of procurement in which qualifying transportation facilities are developed and operated;

(3) The public need for the development and operation of transportation facilities may not be wholly satisfied by existing ways in which transportation facilities are developed and operated; and

(4) Authorizing private entities to develop and operate one (1) or more transportation facilities may result in the development and operation of transportation facilities to the public in a more timely, more efficient, or less costly fashion, thereby serving the public safety and welfare.

(b) It is the intent of this chapter to encourage investment in the state by private entities that facilitates the development and operation of transportation facilities by providing public entities and private entities with the greatest possible flexibility in contracting with each other for the provision of the public services that are the subject of this chapter.

27-4-103. Definitions.

As used in this chapter:

(1) "Comprehensive agreement" means a final written agreement between a private entity and a public entity that is executed under § 27-4-303, provides for the development of a qualifying transportation facility, and addresses all issues related to the qualifying transportation facility;

(2) "Develop", "developed", and "development of" mean the planning, designing, developing, ownership, financing, leasing, acquisition, installation, construction, operation, maintenance, or expansion of a qualifying transportation facility;

(3) "Interim agreement" means a preliminary written agreement between a private entity and a public entity that is executed under § 27-4-302, identifies the development, scope, and feasibility of a qualifying transportation facility, and addresses all issues related to the qualifying transportation facility;

(4) "Private entity" means a natural person, corporation,

general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, and other business entity;

(5) "Public entity" means one (1) or more of the following:

(A) A department of the state;

(B) An agency of the state;

(C) A board or commission of the state;

(D) A federal governmental entity; and

(E) A political subdivision of the state, including without limitation a city, county, school district, institution of higher education, water authority, public facilities board, or other political subdivision or affiliate of an entity listed in this subdivision (5)(E);

(6) "Publish" or "published" means the publication by a public entity of a request for proposals one (1) time each week for three (3) consecutive weeks in:

(A) A newspaper of statewide circulation; and

(B) Either:

(i) In a statewide construction industry trade magazine; or

(ii) On a website approved by the public entity that is regularly subscribed to by members of the construction and development industry;

(7) "Qualified respondent" means the private entity selected as the most qualified entity to undertake a qualifying transportation facility that is the subject of a request for proposals issued under this chapter;

(8)(A) "Qualifying transportation facility" means a road, bridge, tunnel, overpass, ferry, airport, mass transit facility, vehicle parking facility, port facility, multimodal transportation facility, or similar commercial facility that:

(i) Is used for the transportation of persons or goods, together with any buildings, structures, parking areas, appurtenances, and other property needed to operate the facility; and

(ii) Has one (1) or more of the following characteristics:

(a) It is developed using a long-term operations and maintenance agreement, management agreement, or services

agreement entered into with a private entity;

(b) It is designed and built in whole or in part by a private entity;

(c) It is a capital development or improvement in which a private entity:

(1) Invests its own capital or third-party capital arranged by the private entity;

(2) Sources or uses indebtedness, available funds, revenues, or financial or tax incentives to fund the project; or

(3) Provides other consideration in the form of goods or services to the public entity to fund the project;

(d) It is owned in whole or in part by a private entity for the benefit of the public entity;

(e) It involves real or personal property owned by a public entity that is sold, leased, or exchanged with a private entity for leaseback or for use by the public entity; or

(f) It is a project as defined by the Office of State Procurement.

(B) "Qualifying transportation facility" does not include a commercial or retail use or enterprise not essential to the transportation of persons or goods;

(9) "Request for proposals" means a notice that is issued by a public entity announcing the public entity's interest in developing a qualifying transportation facility and seeking proposals from private entities to develop the qualifying transportation facility that identifies without limitation the following:

(A) The anticipated scope and purpose of the qualifying transportation facility;

(B) The financial and nonfinancial benefits related to the qualifying transportation facility;

(C) The proposed timeline under which the qualifying transportation facility is to be completed; and

(D) All other issues that the public entity determines are necessary to accomplish the qualifying transportation facility; and

(10) "Revenues" means the rates, revenues, income, earnings,

user fees, tolls, lease payments, service payments, other available funds, and other revenue and cash flow of any nature arising out of or in connection with the development of a qualifying transportation facility, including without limitation the funds derived from the operation of a qualifying transportation facility or otherwise provided by the parties as stated in the comprehensive agreement.

27-4-104. Construction.

(a) This chapter shall be liberally construed to effectuate its purpose.

(b)(1) Except as limited by the Arkansas Constitution, this chapter exclusively governs the manner and procedures by which a qualifying transportation facility may be developed by and between a public entity and a private entity.

(2) If this chapter conflicts with any other state law, then this chapter governs with respect to the manner and procedures by which a qualifying transportation facility may be developed by and between a public entity and a private entity.

(c) An action taken by a public entity under this chapter shall serve the public purpose of this chapter if the action facilitates the timely development or operation, or both, of a qualifying transportation facility.

Subchapter 2 – Proposals for Qualifying transportation facilities

27-4-201. Requests for proposals.

(a)(1) A public entity considering the development of a qualifying transportation facility shall prepare and publish a request for proposals.

(2)(A) The public entity may specify a period of time during which responses to the request for proposals may be submitted by private entities.

(B) However, the time allowed for responses to a request for proposals under this chapter shall be at least ninety (90) days from the date the request for proposals is published.

(b)(1) If a proposed qualifying transportation facility may materially affect the governmental operations of another public entity, then the public entity proposing the qualifying transportation facility shall provide written

notice to each potentially affected public entity before the request for proposals is published.

(2) If the public entity and the other affected public entities agree to pursue a qualifying transportation facility, the public entities may jointly issue the request for proposals and undertake the qualifying transportation facility.

(c)(1) A public entity shall review each proposal submitted in response to a request for proposals to determine whether the proposal fulfills the goals and purposes of the public entity and the proposed qualifying transportation facility.

(2) In assessing the proposals submitted in response to the request for proposals, a public entity may interview one (1) or more of the private entities submitting a response to determine which entity is the qualified respondent.

(d) A public entity may select the qualified respondent to undertake a qualifying transportation facility based on a variety of factors, including without limitation:

(1) The cost of the potential qualifying transportation facility as proposed by the private entity;

(2) The general reputation, industry experience, and financial capacity of the private entity;

(3) The design of the qualifying transportation facility as proposed by the private entity;

(4) The plan of finance proposed by the private entity;

(5) Local citizens' comments;

(6) Comments from other public entities;

(7) The benefits to the public of the qualifying transportation facility as proposed by the private entity;

(8) The public entity's participation in a minority business enterprise plan adopted by the public entity;

(9) The private entity's plan to employ local contractors and residents; and

(10) Any other factor that the public entity determines would be useful in assessing the proposals submitted in response to the request for proposals.

(e)(1) A public entity is not required to determine or select the

qualified respondent based on the lowest project development cost or life cycle cost submitted by a private entity.

(2) However, a public entity may consider cost as one (1) factor in evaluating the submitted proposals and selecting the qualified respondent.

(f) A public entity may:

(1) Reject all proposals submitted in response to a request for proposals;

(2) Amend or modify the public entity's request for proposals;

(3) Publish an amended request for proposals; and

(4) Cease further development of a qualifying transportation facility any time before entering into an interim agreement with the qualified respondent.

(g) After selecting the qualifying respondent and sending written notice to the qualified respondent of its selection, a public entity shall provide written notice to all private entities that submitted a proposal in response to the public entity's request for proposals within ten (10) days of notifying the qualified respondent of its selection as the qualified respondent.

27-4-202. Unsolicited proposals.

(a) A public entity shall not solicit or request a proposal from a private entity to develop a qualifying transportation facility that is not procured under § 27-4-201.

(b)(1) However, a public entity may receive and consider unsolicited ideas and development concepts from a private entity or another public entity.

(2) If a public entity decides to pursue an unsolicited idea or development concept, the public entity shall publish a request for proposals under § 27-4-201.

Subchapter 3 – Contracts Between Public Entity and Private Entity

27-4-301. Procurement requirements.

A public entity may enter into an interim agreement or a comprehensive agreement only in accordance with this subchapter.

27-4-302. Interim agreement.

(a)(1) Except as otherwise provided in this subsection, after a public entity has selected the qualified respondent to a request for proposals, the public entity and the qualified respondent shall negotiate an interim agreement.

(2) A public entity may enter into an interim agreement with the qualified respondent either before or in connection with the negotiation of a comprehensive agreement under § 27-4-303.

(3)(A)(i) If an interim agreement is necessary to develop a qualifying transportation facility and an interim agreement cannot be negotiated and executed within sixty (60) days after the selection of the qualified respondent or within the time period mutually agreed to by the public entity and the qualified respondent, the public entity may begin negotiations with the next most qualified private entity that submitted a proposal in response to the request for proposals.

(ii) A public entity is not required to republish the request for proposals before beginning negotiations with the next most qualified private entity under subdivision (a)(3)(A)(i) of this section.

(B) If an interim agreement is not necessary to develop a qualifying transportation facility, the public entity and the qualified respondent shall negotiate a comprehensive agreement under § 27-4-303.

(4)(A) Before a public entity may enter into an interim agreement under this section, the public entity shall contract with an attorney and a certified public accountant or other financial or economics professional to provide a written evaluation of the proposed qualifying transportation facility.

(B) A written evaluation provided by a certified public accountant or other financial or economics professional under subdivision (a)(4)(A) of this section shall include without limitation the independent assessment of the certified public accountant or other financial or economics professional of the financial viability of the proposed qualifying transportation facility, identifying all preliminary costs, financial liabilities, advantages, and disadvantages of the qualifying transportation facility.

(C) A written evaluation provided by an attorney under subdivision (a)(4)(A) of this section shall include the attorney's

independent assessment of the terms and conditions under which the proposed qualifying transportation facility will be developed.

(D) An attorney, certified public accountant, or other financial or economics professional providing a written evaluation under this subsection may be an employee of the public entity undertaking the qualifying transportation facility or a private person who has current professional liability insurance in an amount determined to be necessary by the public entity.

(b) An interim agreement entered into under this section may:

(1) Allow the qualified respondent to commence activities and perform tasks for which it shall be compensated relating to the proposed qualifying transportation facility, including without limitation project planning and developing, design and engineering, environmental analysis and mitigation, surveying, and ascertaining the availability of financing for the proposed qualifying transportation facility;

(2) Establish the process and timing of the negotiation of the comprehensive agreement; and

(3) Contain any other provisions related to the development of the proposed qualifying transportation facility that are agreed upon by the public entity and the qualified respondent.

27-4-303. Comprehensive agreement.

(a)(1) If a public entity and the qualified respondent have entered into an interim agreement, agree on the findings and conclusions stated in the interim agreement, and desire to proceed with the development of the qualifying transportation facility, the public entity and qualified respondent shall negotiate and enter into a comprehensive agreement.

(2) If it is unnecessary for a public entity and the qualified respondent to enter into an interim agreement, the public entity and the qualified respondent shall negotiate and enter into a comprehensive agreement following selection of the qualified respondent.

(3) Before developing or operating the qualifying transportation facility, the qualified respondent shall enter into a comprehensive agreement with the public entity.

(b)(1) Before a public entity may enter into a comprehensive agreement under this section, the public entity shall contract with an attorney to

negotiate the relevant agreements and a certified public accountant or other financial or economics professional to provide a written evaluation of the proposed comprehensive agreement.

(2) The attorney with whom the public entity contracts under subdivision (b)(1) of this section shall negotiate the contracts and agreement related to the development of the qualifying transportation facility, including without limitation the revenue contracts, construction contracts, management contracts, services contracts, and other agreements related to the qualifying transportation facility.

(3) The written evaluation required under subdivision (b)(1) of this section shall include the independent assessment of the certified public accountant or other financial or economics professional of the costs of the qualifying transportation facility, the financial viability of the qualifying transportation facility, and all other financial and operating assumptions related to the qualifying transportation facility.

(4) A certified public accountant or other financial or economics professional providing a written evaluation under this subsection may be a public employee of the public entity undertaking the qualifying transportation facility or a private person who has current professional liability insurance in an amount determined to be necessary by the public entity.

(5) The fees and expenses associated with engaging an attorney, certified public accountant, or other financial or economics professional under this section may be included in the costs of the qualifying transportation facility.

(c) The comprehensive agreement shall include without limitation the following:

(1) A thorough description of the duties of the public entity and the qualified respondent in relation to the development and operation of the qualifying transportation facility;

(2) Dates and schedules for the completion of the qualifying transportation facility, including any available extensions or renewals of the qualifying transportation facility;

(3) A pro forma analysis or budget under which the qualifying transportation facility shall be developed, financed, constructed, operated, and maintained;

(4) The source of all revenues derived from the operation and maintenance of the qualifying transportation facility and any process for modifying the revenues during the term of the comprehensive agreement;

(5) Financing and funding sources for the qualifying transportation facility and any contractual provisions related to the financing and funding sources for the qualifying transportation facility;

(6) A copy of each contract related to the development of the qualifying transportation facility;

(7) Reimbursements to be paid to the public entity for services provided by the qualified respondent, if any;

(8) A process for the review of plans and specifications for the qualifying transportation facility by the public entity and the engineering and architectural consultants of the public entity, if any;

(9) A process for the periodic and final inspection of the qualifying transportation facility by the public entity or its designee to ensure that the qualified respondent's development activities comply with the comprehensive agreement;

(10) For the components of the qualifying transportation facility that involve construction, provisions for the:

(A) Delivery of maintenance, payment, and performance bonds in the amounts that may be specified by the public entity in the comprehensive agreement; and

(B) Posting and delivery of all other bonds, letters of credit, or other forms of security acceptable to the public entity in connection with the development of the qualifying transportation facility;

(11) Submission to the public entity by the qualified respondent of proof of workers compensation, property casualty, general liability, and other policies of insurance related to the development and operation of the qualifying transportation facility in the amounts and subject to the terms that may be specified by the public entity in the comprehensive agreement;

(12) A process for the public entity's monitoring of the practices of the qualified respondent to ensure that the qualifying transportation facility is properly developed, constructed, operated, and maintained;

(13) The filing by the qualified respondent of appropriate financial statements with the public entity related to the operations of the

qualifying transportation facility within the timeframes established in the comprehensive agreement; and

(14) Policies and procedures governing the rights and responsibilities of the public entity and the qualified respondent if the comprehensive agreement is terminated according to the terms of the comprehensive agreement or as the result of a default under the terms of the comprehensive agreement.

(d) A comprehensive agreement may provide for the development or operation, or both, of phases or segments of a qualifying transportation facility.

(e) A modification of or an amendment to the terms of the comprehensive agreement shall be:

(1) Agreed upon by the public entity and the qualified respondent; and

(2) Added to the comprehensive agreement by written amendment.

27-4-304. Financing of a qualifying transportation facility.

(a)(1) Financing of a qualifying transportation facility may be in the amounts and upon the terms and conditions stated in the interim agreement or the comprehensive agreement.

(2)(A) A qualifying transportation facility may be financed by the qualified respondent or the public entity, or both, and the qualified respondent and public entity may utilize any funding resources available to them, including without limitation to the fullest extent permitted by applicable law, issuing debt, equity, or other securities or obligations, entering into leases, accessing designated trust funds, and borrowing or accepting grants from a state infrastructure bank.

(B) Debt issued for the development of a qualifying transportation facility may be evidenced by the issuance of taxable or tax-exempt bonds, promissory notes, lease purchase agreements, or other evidences of indebtedness that are specified in the comprehensive agreement.

(3) Financing for a qualifying transportation facility may be secured by a pledge of, security interest in, or lien on the real or personal property of the public entity or the qualified respondent, including without limitation any property interests in the qualifying transportation facility or the qualifying transportation facility revenues.

(b)(1) The public entity may take action to obtain federal, state, or local assistance for a qualifying transportation facility that serves the public purpose of this chapter, including without limitation entering into any contracts required to receive such assistance.

(2) All or any portion of the costs of a qualifying transportation facility may be paid, directly or indirectly, from the proceeds of a grant or loan made by a local government, the state government, the federal government, or an agency or instrumentality of a local government, the state government, or the federal government if it would serve the public purpose of this chapter.

(c) In addition to the financing methods allowed under subsection (a) of this section, a qualifying transportation facility may be financed through:

(1) Capital provided by either the public entity or the qualified respondent;

(2) The available funds of the public entity;

(3) The operating expenses of the public entity;

(4) Revenues of the qualifying transportation facility;

(5) Any tax credits or other incentives for which the qualifying transportation facility or the qualified respondent may qualify;

(6) Governmental or third-party grants; and

(7) Any other available capital or funding sources of the public entity or the qualified respondent.

27-4-305. Service contracts.

A public entity may contract with the qualified respondent for the delivery of services to be provided as part of a qualifying transportation facility in exchange for service payments or other consideration that the public entity deems appropriate.

27-4-306. Powers and duties of qualified respondent – Termination.

(a) A qualified respondent may own, lease, or acquire any other right to use, develop, or operate a qualifying transportation facility.

(b) Subject to applicable permit requirements, a qualified respondent may cross a navigable watercourse if the crossing does not unreasonably interfere with the current navigation and use of the waterway.

(c) In operating a qualifying transportation facility, the qualified respondent may:

(1) Make classifications according to reasonable categories for assessment of any rates, fees, or other charges imposed by the qualified respondent for use of all or a portion of a qualifying transportation facility; and

(2) With the consent of the public entity, make and enforce reasonable rules to the same extent that the public entity may make and enforce rules with respect to a similar transportation facility.

(d) The private entity shall:

(1) Develop and operate the qualifying transportation facility in a manner that meets the standards of the public entity for transportation facilities operated and maintained by the public entity and that complies with the interim agreement or the comprehensive agreement;

(2)(A) Keep the qualifying transportation facility open for use by the members of the public in accordance with the terms and conditions of the interim agreement and comprehensive agreement after the initial opening of the qualifying transportation facility and upon payment of any applicable rates, fees, charges, or service payments.

(B) However, the qualifying transportation facility may be closed temporarily because of emergencies or, with the consent of the public entity, to protect the safety of the public or for reasonable construction or maintenance procedures;

(3) Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;

(4) Cooperate with the public entity in establishing any interconnection with the qualifying transportation facility requested by the public entity; and

(5) Comply with the interim agreement, the comprehensive agreement, and any applicable service contract.

(e)(1) A public entity shall terminate the qualified respondent's authority and duties under this chapter on the date stated in the interim agreement or comprehensive agreement.

(2) Upon termination, the powers and duties of the qualified respondent under this chapter cease, and the qualifying transportation facility shall be dedicated to the public entity for public use.

Subchapter 4 – Other Powers and Responsibilities

27-4-401. Eminent domain – Dedication.

(a)(1) A public entity may exercise its right of eminent domain under applicable law in connection with the development of a qualifying transportation facility.

(2) The power of eminent domain shall not be delegated to a private entity with respect to a qualifying transportation facility commenced or proposed under this chapter.

(3) Damages awarded to a third party in an eminent domain action may be included in the development budget for the qualifying transportation facility.

(b)(1) A public entity may dedicate any real or personal property interest, including land, improvements, and tangible personal property, through lease, sale, or otherwise, to the qualified respondent to facilitate a qualifying transportation facility if so doing will serve the public purpose of this chapter.

(2) The consideration for the dedication, lease, sale, or exchange of any real or personal property interest under subdivision (b)(1) of this section may include an agreement by the qualified respondent to operate or develop the qualifying transportation facility or provide other services to the public entity.

(3) The property interests that a responsible public entity may convey to the qualified respondent in connection with a dedication under this section may include licenses, franchises, easements, or other rights or interests that the public entity deems appropriate.

27-4-402. Utility crossings.

(a) A public entity, qualified respondent, and each public service company, public utility, railroad, or cable television provider whose utility facilities are to be crossed or affected by a qualifying transportation facility shall cooperate fully with each other in planning and arranging the manner of the crossing or relocation of the utility facilities.

(b)(1) A public entity that has the power of condemnation may exercise the power of condemnation in connection with the moving or relocation of

utility facilities that will be crossed by a qualifying transportation facility or that must be relocated to the extent that the moving or relocation is necessary or desirable as the result of the construction of or improvements to the qualifying transportation facility, including the construction of or improvements to temporary facilities for the purpose of providing service during the period of construction or improvement of a qualifying transportation facility.

(2)(A) If a public entity, qualified respondent, and a public service company, public utility, railroad, or cable television provider are not able to agree on a plan for the crossing or relocation of the utility facilities, the Arkansas Public Service Commission may determine the manner in which the crossing or relocation is to be accomplished and any damages arising out of the crossing or relocation.

(B)(i) The commission may employ expert engineers who shall examine the location and plans for the crossing or relocation, hear any objections, consider modifications, and make a recommendation to the commission.

(ii) In a case arising under this section, the public entity or qualified respondent shall pay the cost of the experts.

(c) Any amount to be paid for the crossing, construction, moving, or relocating of utility facilities shall be paid for by the public entity or qualified respondent as provided under the interim agreement, the comprehensive agreement, or any other contract, license, or permit.

(d) The commission shall make a determination within ninety (90) days of notification by the public entity or qualified respondent that the qualifying transportation facility will cross utilities subject to the commission's jurisdiction.

27-4-403. Sovereign immunity.

This chapter does not waive the sovereign immunity of the public entity or the officers or employees of the public entity under state law.

27-4-404. Open meetings – Disclosure of records.

(a) This chapter does not abrogate the obligation of a public entity or the Office of State Procurement to comply with the Freedom of Information Act of 1967, § 25-19-101 et seq.

(b) However, records that would otherwise be exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., remain exempt when in the custody or control of a public entity or the office.

27-4-405. Transparency.

(a)(1) A public entity shall provide an opportunity for public comment on the proposals submitted in response to a request for proposals under this chapter.

(2) The public comment period required under this subsection:

(A) Shall be for a period of at least thirty (30) days;

and

(B) May include a public hearing.

(b) A public entity shall publish on its website:

(1) A description of each proposed qualifying transportation facility, the intended benefits of each proposed qualifying transportation facility, a proposed schedule for each qualifying transportation facility, and any other information that is essential to allow a public review of each proposed qualifying transportation facility;

(2) Each request for proposals published by a public entity; and

(3) A copy of each negotiated interim agreement and comprehensive agreement before the interim agreement or comprehensive agreement has been executed.

27-4-406. Limitation on local fees and taxes.

A local government shall not impose a fee or tax on or measured by the receipts of a qualifying transportation facility that is owned by a public entity.

Subchapter 5 – Administration by the Arkansas State Highway and Transportation Department

27-4-501. Review and approval.

The Arkansas State Highway and Transportation Department shall review and approve each qualifying transportation facility before the public entity and qualified respondent execute the comprehensive agreement.

27-4-502. Powers and duties.

(a) The Arkansas State Highway and Transportation Department shall promulgate rules regarding the definitions and guidelines related to the development of qualifying transportation facilities under this chapter within one hundred eighty days (180) of the effective date of this chapter.

(b) The guidelines promulgated under this section shall include without limitation the following:

(1) Criteria for selecting qualifying transportation facilities to be undertaken by a public entity;

(2) Criteria for selecting among competing proposals submitted according to a request for proposals under § 27-4-201;

(3) Time lines for selecting a qualified respondent under the process for requests for proposals under § 27-4-201;

(4) Guidelines for negotiating a comprehensive agreement; and

(5) Guidelines for allowing the accelerated selection of a qualified respondent and the review and approval of a qualifying transportation facility that is determined to be a priority by the Governor and is funded in whole or substantial part by dedicated revenues.

/s/Sabin