Public-Private Partnerships for Transportation

Categorization and Analysis of State Statutes

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- To ensure state legislatures a strong, cohesive voice in the federal system.

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Preface

As part of its ongoing work to help state legislatures analyze the options available relative to transportation funding, NCSL has concisely categorized and compiled the provisions of state law addressing public-private partnerships (P3s) for transportation. In 2010, a working group of state legislators and industry experts convened by NCSL published comprehensive guidance on P3s for transportation, *Public-Private Partnerships for Transportation: A Toolkit for Legislatures.* This toolkit helps those states that wish to embark on P3s or amend existing law with several principles to consider when drafting legislation.

This 2016 document builds on the toolkit, by categorizing and analyzing all transportation public-private partnership laws adopted by the 33 states, the District of Columbia and Puerto Rico that have enacted such legislation.

Introduction

Transportation infrastructure funding and finance are top priorities for state and local governments. Due to a variety of circumstances, states have found themselves carrying a larger transportation funding burden than ever before. Years of uncertainty about federal action, stagnant gas tax revenues, rising maintenance and repair costs and aging infrastructure have contributed to the current dilemma that many states are facing.

Increasingly, states have turned to innovative approaches to help solve their transportation funding shortfalls. One such innovative technique is the use of public-private partnerships (P3s). The Office of Innovative Program Delivery (OIPD), a division of the Federal Highway Administration (FHWA), defines public-private partnerships as "contractual agreements formed between a public agency and a private sector entity that allow for greater private sector participation in the delivery and financing of transportation projects."[1]

It is important to note that P3s do not act as a funding source; rather, they can provide additional financing opportunities and create efficiencies leading to cost savings. Nor are P3s a cure-all for transportation funding needs.

As with NCSL's *Public-Private Partnerships for Transportation: A Toolkit for Legislatures* (NCSL's *P3 Toolkit*) this report is a straightforward and factual examination of P3s and the legislation states have passed. The report serves as a comprehensive categorization and analysis of the transportation P3 enabling statutes from across the country.

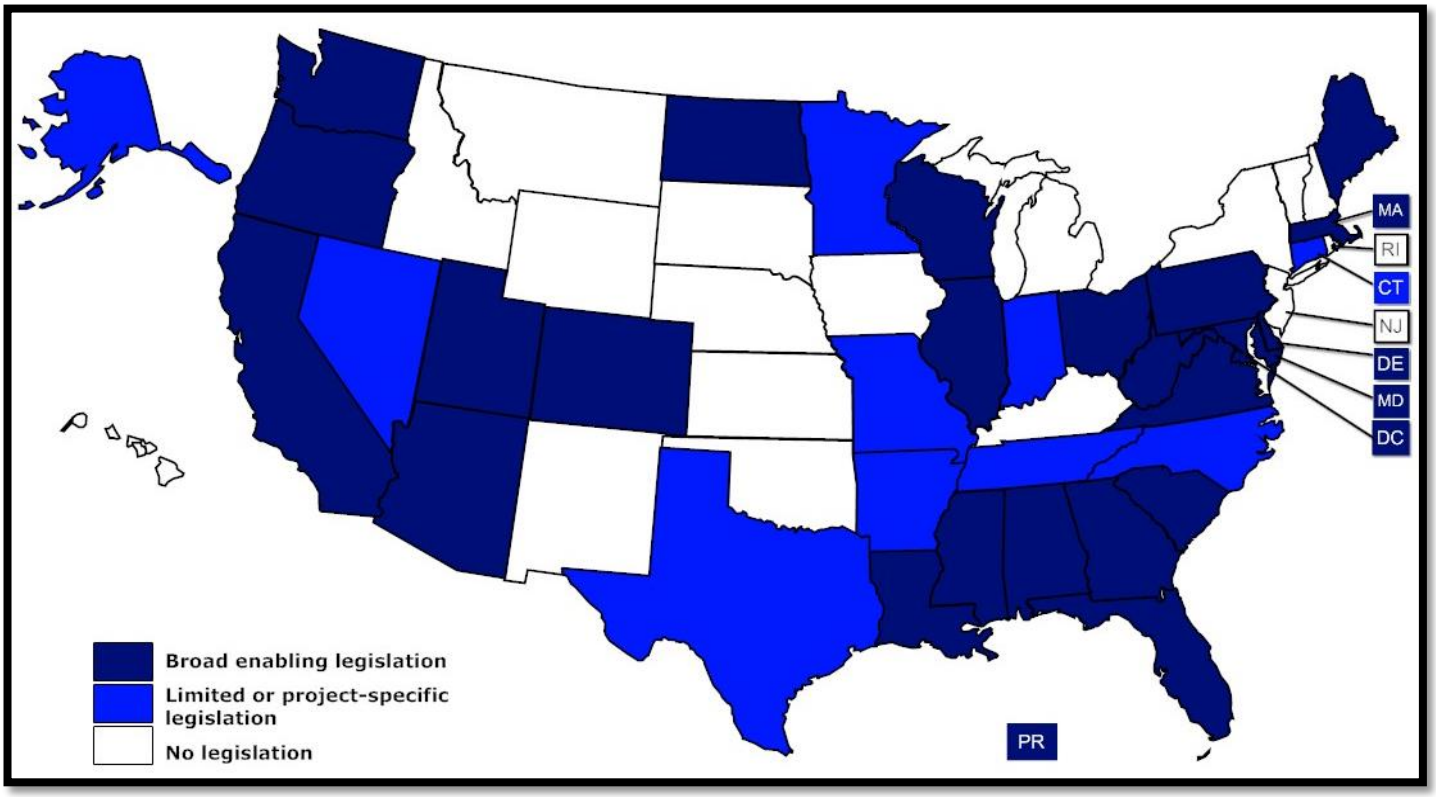
State Public-Private Partnership Legislation: Why Is it needed?

As states assume increasing responsibility for transportation funding and finance, all possible solutions are being assessed. Due to the inherent complexity of P3 agreements and the typically large, multi-jurisdictional scale of the transportation projects involved, the legislature's role is vital. Enabling statutes dictate the ability of existing or newly created state agencies to engage with private industry through P3s. The states examined in this report have written statutes to meet their specific needs and take into account the unique conditions of its economy, infrastructure and public policy context.

State P3 legislation creates the framework within which public agencies can accomplish the role of government while leveraging the expertise and resources of private industry. Sound public policy will help protect the public interests, establish the conditions within which agreements can be made and allow for both public and private goals to be satisfied.

[1] The Office of Innovative Project Delivery, *P3 Defined* (Washington, D.C.: Federal Highway Administration, n.d.), http://www.fhwa.dot.gov/ipd/p3/defined.

Trends in Public-Private Partnerships



State P3 Enabling Statutes

The first "modern" public-private partnership enabling legislation for transportation projects was passed by California in 1989, and Florida and Missouri followed the next year. Since 2010, three states (Connecticut, Ohio and Pennsylvania) and the District of Columbia have passed P3 enabling legislation, and Maryland passed comprehensive legislation that moved P3 authorization from regulation and case law to statute. As of January 2016, 33 states, the District of Columbia and Puerto Rico have enacted legislation enabling P3s for transportation projects.

P3 legislation can vary from state to state. While many aspects of sound policy are important for every jurisdiction, lawmakers tailor their legislation to fit the specific needs and desires of their state. Table 1 on Page 14 presents general facts about each state's P3 legislation. It tells when P3s were first enabled in a state and what type of law was passed. Also provided is which governmental entity or entities are permitted to engage in P3 agreements and for what type of projects.

Recent Proposed P3 Legislation

States now, more than ever, are facing the need to develop new and innovative solutions for infrastructure funding. With the tepid increases in federal transportation funds, the states continue to assume an ever-increasing share of transportation funding. P3s are being considered as one alternative by state policymakers and transportation leaders to lessen this burden.

NCSL's Transportation Funding and Finance Legislation Database,[2] which tracks legislation from all 50 states, provides data on the number of P3-related bills considered since 2009:

- 2015 – 47 bills in 25 states and the District of Columbia
- 2014 – 68 bills in 21 states and the District of Columbia
- 2013 – 81 bills in 28 states
- 2012 – 30 bills in 16 states
- 2011 – 40 bills in 20 states
- 2010 – 22 bills in 9 states and the District of Columbia
- 2009 – 37 bills in 20 states and Puerto Rico

Based upon these numbers, it is apparent that P3s are a hot topic in statehouses across the nation. The number of bills considered has increased during the last six years. Dramatic increases in 2013 and 2014 more than doubled the number of bills considered in the two prior years.[3]

P3 Models, Benefits and Concerns

P3 Project Delivery Models

P3 delivery methods commonly fall into the following categories: design-build (DB), operate-maintain (OM), design-build-operate-maintain (DBOM), design-build-finance (DBF) and design-build-finance-operate-maintain (DBFOM). Each method can offer advantages or disadvantages, depending on the specific project and parties involved. Every transportation project is different, and may or may not benefit from innovative delivery methods such as P3s.

A number of distinctions can be drawn between DB contracts and P3s. DB is a project delivery method that can be used as part of a P3. While DB is an innovative method of procurement and a useful tool as part of P3s, a DB contract is not always, in itself, a true P3 due to the lower level of private involvement, less risk-sharing between the public and private sectors, and the lack of private financing involved. This is not to say a DB model cannot include all the aspects of a P3, but many times including an enhanced private role through financing, operations or maintenance can achieve higher value for the money.

Project Delivery Models

The P3 project delivery models listed above span a range of private sector involvement. Traditional procurement methods typically tackle each phase of a project individually and commonly keep operations and maintenance under the state DOT's purview.

P3s allow for the partners to choose, based on desired risk transfer and public sector goals, how much of the project's lifecycle will be included in the partnership.

Each additional phase included in the P3 brings with it potential cost savings, efficiencies and transfer of risk.

[2] National Conference of State Legislatures, Transportation Funding and Finance Legislation Database (Denver: NCSL, n.d.), http://www.ncsl.org/research/transportation/ncsl-transportation-funding-finance-legis-database.aspx.

[3] It should be noted that four states (Montana, Nevada, North Dakota and Texas) hold legislative sessions in odd years only, and a number of states have two-year carry over sessions, which explains the cyclical nature of the number of bills considered.

DB contracts may be permitted for transportation projects in states, while P3s are not. In states that permit both DB contacts and P3s, it is not uncommon for DB contracts to be authorized under separate articles or chapters. This report examines only P3 enabling statutes, some of which authorize DB and others that do not. Table 2 on Page 23 illustrates which states include DB in their P3 laws. For further information on DB statutes, see NCSL's *P3 Toolkit*.

P3 Related Benefits and Concerns

Key benefits of the P3 project delivery method arise from leveraging the private sector's expertise and resources. Private sector partners can bring to the table tools and skills to achieve efficiencies, provide financing and enhance quality. As highlighted in NCSL's *P3 Toolkit*, P3 benefits include private financing and project acceleration, monetization of existing assets, cost and time savings, lifecycle efficiencies, improved project quality and risk transfer.

Any new and innovative technique naturally will create concerns and potential controversies. Difficult questions have arisen around P3s in general, and each individual project often will include its own unique considerations and controversies. NCSL's *P3 Toolkit* highlights some of these potential concerns, including loss of public control and flexibility, private profits at the public's expense, loss of future public revenues, risk of bankruptcy or default, accountability and transparency, environmental issues, labor concerns, use of foreign companies, toll road controversies and specific contract terms.

These benefits and concerns need to be addressed at the outset of any P3 agreement. Sound public policy is the primary and most authoritative tool state legislatures have to alleviate any issue. As this report's categorization and analysis of P3 statutes shows, many state legislatures have included provisions to address potential concerns about P3s and enhance the benefits such models can provide. Depending on the goal of the legislature and all parties involved, these benefits and concerns are handled differently. NCSL compiled this report to provide a high-level examination of all existing approaches states have taken to enable P3s for transportation projects through statute.

Categorization and Analysis of P3 Statutes

This analysis is provided as a series of eight tables that identify the statutory provisions contained in each state's law. The categories have been broken down into the eight tables based on topic. Descriptions follow of each table and the categories included.

P3 Provisions Table 1: General **p. 14**

Table 1 covers general facts about each state's P3 legislation. It tells when P3s were first enabled in a state and what type of law was passed. Also provided is what governmental entity or entities are permitted to engage in P3 agreements and for what type of projects.

Included in this table are the following categories:

1. Year of enactment
2. Statute Type
    - This category makes clear three aspects of the statute. Is the statute comprehensive or limited, at what level of government are P3s allowed (state, local or regional) and does the statute apply only to the transportation sector or is it multi-sector?
3. Entities authorized to enter into P3s
4. Projects or project types authorized

P3 Provisions Table 2: General **p. 23**

Table 2 covers general high-level provisions. Many of these issues have been the source of particular concern among private entities and governments. States may choose to include language under these categories based on their desired result of a more limited or comprehensive law, and the ultimate goals for the use of P3s.

Included in this table are the following categories:

5. Authorizes design-build
6. Sunset provisions
7. Explicitly allows the conversion of existing roads to toll roads
8. Limits term lengths for P3 agreements
9. Prohibits noncompete provisions or requires alternative routes
10. Allows P3s for both existing and new facilities
11. Allows HOT lanes or congestion pricing

P3 Provisions Table 3: Governance **p. 31**

Table 3 covers oversight and governance issues regarding P3 agreements. A key aspect of P3 statutes is the amount of involvement of each level of government. The governmental entity with jurisdiction over P3s commonly depends on the location and scope of each specific project. Congruence with existing transportation plans is one method that has been used to keep P3 projects in check with the goals and means of a local or state government. Some states create a new entity to provide oversight and advisory duties to P3s.

Included in this table are the following categories:

12. Requires state legislative approval, review or other involvement
13. Requires approval, review or other involvement by other state, local or federal entity

14. Creates a public P3 advisory body
15. Explicitly requires consistency with existing state or local transportation plans

P3 Provisions Table 4: Proposals and Procurement **p. 37**

Table 4 covers provisions that govern the process of soliciting, accepting and reviewing P3 proposals. Statutory guidance through this process can prove beneficial in producing the most competitive and fair environment for P3 proposals. By using such provisions, a governmental entity can achieve a higher level of value for money spent and ensure an open and predictable process for private industry.

Included in this table are the following categories:

16. Allows both solicited and unsolicited proposals
17. Requires request for competing bids or other process for unsolicited proposals
18. Specifies evaluation criteria for P3 proposals
19. Addresses the confidentiality of information in bidders' proposals
20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals
21. Allows the public sector to charge application fees for proposal review

P3 Provisions Table 5: Proposals and Procurement **p. 42**

Table 5 covers provisions regarding the procurement process and public involvement. The use of innovative project delivery methods often requires an alternative procurement process than that currently allowed in state law. In some instances, states have designated specific procurement types for P3s or have excluded P3s from traditional procurement methods. In addition to governmental oversight and an open proposal and procurement process, public involvement is paramount to a successful P3 project. Statutes that provide for public participation can serve as a valuable tool for both the public and for private industries during all phases of a P3 project.

Included in this table are the following categories:

22. Provides for multiple types of procurement
23. Requires certain qualifications for private entity
24. Explicitly exempts P3s from other state procurement laws
25. Allows the public agency to hire technical and/or legal consultants
26. Provides opportunities for public comment, public hearings or other public participation

P3 Provisions Table 6: Funding and Finance **p. 48**

Table 6 covers provisions that permit use of tolls, set toll rates, govern toll revenues and bond issuance. Significant public concern may arise when tolls become part of a P3 project; however, tolls often are an integral part of a P3 and can be the source of future revenues that attract private financing that, often, may be key to the entire project. Legislatures in many states have found it prudent to address tolls and rate setting in statute.

Included in this table are the following categories:

27. Addresses tolling and rate-setting authority
28. Sets how and when rates can be changed
29. Requires the removal of tolls after debt is repaid
30. Allows public sector to issue toll revenue bonds
31. Explicitly allows revenue-sharing

P3 Provisions Table 7: Funding and Finance **p. 55**

Table 7 covers additional funding and finance provisions. Included in the concerns about the imposition of tolls are use of the toll revenues and a perception that private industry may collect large profits from the public. To alleviate this impression, the use of revenues from P3 projects is sometimes specifically limited by statute. In addition to potential private financing, P3s are funded through a variety of public methods. Provisions in state law can clarify where such funds may come from and occasionally may limit the use of certain types of funds. A key aspect of P3 funding is leveraging federal funds for transportation projects.

Included in this table are the following categories:

32. Limits the use of revenues from P3 projects
33. Explicitly allows combination of local, state, federal and/or private funds for P3s
34. Explicitly allows use of TIFIA[4] for P3s
35. Exempts P3s from leasehold, property or ad valorem taxes

P3 Provisions Table 8: Other **p. 61**

Table 8 covers additional provisions that help alleviate potential concerns and controversies about P3s, as well as an "other" category that is a catch-all for additional provisions in each statute. States have the ability to ensure certain provisions are covered in every P3 agreement through statutory requirements. Some legislatures insert requirements for certain types of analysis and address labor issues to further extend the benefits and oversight of P3 projects. Equally important to the conditions and requirements of a P3 is what happens in the event of default or bankruptcy. Some states provide guidance for instances of default through statute.

Included in this table are the following categories:

36. Specifies provisions in P3 agreements or contracts
37. Requires cost-benefit, comparative or other analysis for P3s
38. Addresses labor issues
39. Addresses material default or bankruptcy
40. Other

[4] The Transportation Infrastructure Finance and Innovation Act (TIFIA) is a federal credit assistance program available to states for surface transportation projects. More information about TIFIA can be found on OIPD's website at http://www.fhwa.dot.gov/ipd/tifia/.

Categorization Findings and Totals

Category	Number of states/jurisdictions with provision
1. Year of enactment	
- 1990 or earlier	5 *
- 1991 to 1995	9
- 1996 to 2000	5
- 2001 to 2005	3
- 2006 to 2010	9
- 2010 to 2015	3 †
2. Statutory Type	
- Comprehensive	25 *†
- State only	14 *
- Transportation sector only	27
5. Authorizes design-build	20 *
6. Sunset provisions	4
7. Explicitly allows conversion of existing roads to toll roads	14 *
8. Limits term lengths for P3 agreements	16 *†
9. Prohibits noncompete provisions or requires alternative routes	9 *†
10. Allows P3s for both existing and new facilities	24 *
11. Allows HOT lanes or congestion pricing	9
12. Requires state legislative approval, review or other involvement	26 *
13. Requires approval, review or other involvement by other state, local or federal entity	24 *†
14. Creates a public P3 advisory body	9 *†
15. Explicitly requires consistency with existing state or local transportation plans	14
16. Allows both solicited and unsolicited proposals	19 †
17. Requires request for competing bids or other process for unsolicited proposals	16 †
18. Specifies evaluation criteria for P3 proposals	15 *†
19. Addresses the confidentiality of information in bidders' proposals	17 *†
20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals	9 †
21. Allows the public sector to charge application fees for proposal review	17 *†
22. Provides for multiple types of procurement	18 *
23. Requires certain qualifications for private entity	9 *†
24. Explicitly exempts P3s from other state procurement laws	14
25. Allows public agency to hire technical and/or legal consultants	18 *
26. Provides opportunities for public comment, public hearings or other public participation	22 *†
27. Addresses tolling and rate-setting authority	29 *†

28. Sets how and when rates can be changed	9 *†
29. Requires removal of tolls after debt is repaid	3
30. Allows public sector to issue toll revenue bonds	18 *
31. Explicitly allows revenue-sharing	15
32. Limits use of revenues from P3 projects	18 *
33. Explicitly allows combination of local, state, federal and/or private funds for P3s	26 *†
34. Explicitly allows use of TIFIA for P3s	22 *
35. Exempts P3s from leasehold, property or ad valorem taxes	18 *
36. Specifies provisions in P3 agreements or contracts	22 *†
37. Requires cost-benefit, comparative or other analysis for P3s	14 *†
38. Addresses labor issues	13 *
39. Addresses material default or bankruptcy	13 †
* includes Puerto Rico; †includes District of Columbia	

P3 Provisions Table 1: General

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
Alabama	Ala. Code §23-1-81	1996	Limited; state and local; transportation	State DOT and county commissions	State DOT and county commissions may license any legal entity to establish or operate toll roads, toll bridges, ferries or causeways.
	Ala. Code §§23-2-140 to 163	2009	Comprehensive; state; transportation	Alabama Toll Road, Bridge and Tunnel Authority	Design-build, design-build-operate, design-build-own-operate or design-build-own-operate-maintain, or similar arrangements; leases, licenses, franchises, concessions or other agreements for development, operation, management or undertaking of a toll road, bridge or tunnel project; does not apply to existing roadway capacity.
Alaska	Alaska Stat. §§19.75.111 to 990	2006	Limited; specific instrumentality of the state; transportation	Knik Arm Bridge and Toll Authority	P3s or service contracts in any form for financing, design, construction, maintenance, improvement or operation of facilities, properties or projects of the authority.
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710	2009	Comprehensive; state and local; transportation	State DOT; other units of government (by approval of DOT)[5]	P3 agreements can provide for development or operation of an eligible facility through any delivery method the DOT approves, including design-build.[6]
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211	1927	Limited; local; transportation	County courts	Franchises for private entities to build bridges, turnpikes or causeways along any watercourse, lake, bay or swamp; prohibits a franchise from operating a toll bridge on the state highway system.
	Ark. Stat. Ann. §27-76-402 and 403	2007	Limited; regional; transportation	Regional mobility authorities	Rail, waterway or trail projects; prohibits P3s for, or privatization of, toll facilities.
California	Cal. Streets & Highways Code §143	1989	Comprehensive; state and regional; transportation	State DOT (Caltrans) and regional transportation agencies	Planning, design, development, finance, construction, reconstruction, rehabilitation, improvement, acquisition, lease, operation or maintenance of highway, public street, rail or related facilities; may include lease of rights-of-way in and airspace over facilities.
	Cal. Gov. Code §§5956 to 5956.10	1996	Comprehensive; local; multi-sector	Local governmental agencies	Design, construction, reconstruction or lease of a wide range of fee-producing infrastructure projects, including commuter and light rail, highways or bridges, tunnels, airports and runways; may include lease of rights-of-way in and airspace over facilities; prohibits using authority for state projects (including toll roads on state highways) or state-financed projects.

[5] §28-7701(4) defines "unit of government" as any agency, office or department of Arizona, city, county, district, commission, authority, entity, port or other corporation organized and existing under statutory law or under a voter-approved charter or initiative, and any intergovernmental entity.

[6] §28-7701(2) defines an eligible facility as any facility, whether real or personal property, developed or operated after Sept. 30, 2009, in accordance with this chapter, including any existing, enhanced, upgraded or new facility.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5	1996	Comprehensive; state; transportation	State DOT	Contracts or agreements to design, finance, construct, operate, maintain, improve and reconstruct turnpike projects by public-private initiative.
	Colo. Rev. Stat. §§43-1-1201 to 1209	1995	Comprehensive; state; transportation	State DOT	Contracts or agreements to design, finance, construct, operate, maintain, improve and reconstruct turnpike projects by public-private initiative.
	Colo. Rev. Stat. §§43-4-801 to 812	2009	Comprehensive; state; transportation	State Bridge Enterprise; High Performance Transportation Enterprise	Public-private initiatives to design, develop, construct, reconstruct, repair, operate or maintain bridge projects; to seek out and enter into P3s and other innovative means of completing surface transportation infrastructure projects.
	Colo. Rev. Stat. §§43-3-301 to 304	2006	Toll Requirements	Transportation Commission is authorized to review toll schedules as part of the statewide transportation plan	(N/A)
	Colo. Rev. Stat. §§43-3-401 to 414	1991	Limited; state; transportation	Transportation Commission	Agreements for construction, maintenance and operation of one or more toll or free tunnels (tunnels must be between the east and west slopes of the state of Colorado).
	Colo. Rev. Stat. §43-2-219	1998	Comprehensive; local; transportation	Board of County Commissioners	Public-private initiatives for tolls on county highways and bridges; to privatize any county highway or bridge; or to construct, operate or maintain such bridge or highway.
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263	2011	Limited; state; multi-sector	Any state agency or quasi-public agency	Not more than five P3 projects for the design, development, operation or maintenance of revenue-generating facilities, including but not limited to, early child,care, educational, health or housing facilities; and transportation systems, including ports, transit-oriented development and related infrastructure. Allows only projects that will result in job creation and economic growth.
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	1995	Comprehensive; state; transportation	State DOT	P3s for the study, planning, design, construction, leasing, financing, operation, maintenance, repair or expansion of transportation systems, or any combination of the above.
Florida	Fla. Stat. Ann. §334.30	1991	Comprehensive; state; transportation	State DOT	Agreements for building, operation, ownership or financing of a transportation facility.
	Fla. Stat. Ann. §337.251	1990	Comprehensive; state; transportation	State DOT	Leases of DOT property for joint public-private transportation purposes to further economic development and generate revenue for transportation.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
	Fla. Stat. Ann. §338.22 to 251	2002	Comprehensive; state; transportation	Florida Turnpike Enterprise	Enterprise may cooperate, coordinate, partner and contract with private entities in order to plan, develop, own, purchase, lease or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate and manage the Florida Turnpike System.
	Fla. Stat. Ann. §343.875	2005	Comprehensive; regional; transportation	Northwest Florida Transportation Corridor Authority	Agreements for building, operation, ownership or financing of transportation facilities, within the jurisdiction of the authority.
	Fla. Stat. Ann. §348.0004	2004	Comprehensive; state, regional and local; transportation	Any expressway, bridge or toll authority	Agreements for building, operation, ownership or financing of transportation facilities, within the respective jurisdiction of the authority.
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. §48-5-421.1	2009; 2009; 2011; 2011	Comprehensive; state; transportation	State DOT	Projects funded or financed by the private sector; design-build contracts
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.	2015	Comprehensive; state and local; multi-sector	Local authorities and governments; instrumentalities of the State of Georgia	Projects selected by a local government in response to a proposal that meets the public need; not to include a project involving generation of power, communication services, cable and video services, or water reservoir projects
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450	1992	Comprehensive; state; transportation	State DOT	Agreements with any public or private entity for the purpose of promoting and developing high-speed rail and magnetic levitation transportation.
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)	2011	Comprehensive; local; transportation	Municipalities	Contracts of every kind and nature to acquire, construct, reconstruct, improve, enlarge, better, operate, maintain and repair any bridge within 5 miles of the corporate limits of the municipality.
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135	1997	Limited; state; transportation	State DOT	One or more public-private agreements to develop, finance, construct, manage and operate the Illiana Expressway.
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2	1997	Comprehensive; state and local; multi-sector	Governmental bodies; applies to the state or to a political subdivision in a county if it contains a consolidated city or adopts the provisions of this article by resolution or ordinance	BOT (build-operate-transfer) agreements for acquisition, planning, design, development, reconstruction, repair, maintenance or financing of public facilities, including any public building, highway, street, alley, bridge, sewer, drain or any other public facility that is paid for out of public funds; or operating agreements for the operation, maintenance, repair or management of any public facility for any public service. Public-private agreements are defined only as BOT or operating agreements.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	Unknown[7]; 2006; 2006; 1990	Comprehensive; state and local; multi-sector	Indiana Finance Authority, state DOT, and any state or local government entity	P3s for planning, design, acquisition, construction, reconstruction, improvement, extension, expansion, operation, repair, management, maintenance or financing of a toll road; and for development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing or operation of a transportation facility, including some rail projects, and a "facility project" relating to state parks, communications or certain hospitals.
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281	1954; amended 1977	Comprehensive; state; transportation	Louisiana Expressway Authority	Contracts with any person, partnership, association or corporation desiring the use of any part of toll revenues for the purpose of providing an expressway project.
	La. Rev. Stat. Ann. §§48:2020 to 2037	1997	Comprehensive; regional and local; transportation	Transportation authorities created by parishes or municipalities for the purpose of entering into P3s	Contracts with public or private entities to construct, maintain, repair and/or operate transportation projects.
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	2001; 2001; 2006	Comprehensive; state; transportation	Louisiana Transportation Authority	Contracts with public or private entities to construct, maintain, repair or operate authority transportation projects/facilities or for transportation services.
Maine	Me. Rev. Stat. Ann. tit. 23, §4251	2009	Comprehensive; state; transportation	State DOT	An agreement may allow for private sector participation in financing, development, operation, management, ownership, leasing or maintenance for a transportation facility.
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403	2013[8]	Comprehensive; state; multi-sector	State Department of General Services, State DOT, Maryland Transportation Authority, the University System of Maryland, Morgan State University, St. Mary's College of Maryland and the Baltimore City Community College	P3s to develop and strengthen a public infrastructure asset in which a private entity performs functions normally undertaken by the government and the state retains ownership in and ultimately responsibility for the public infrastructure. Decision-making rights in determining financing, developing, construction, operation and maintenance may be given to the private entity.

[7] Parts of Ind. Code Ann. §§8-15-1-1 et seq. have been in statute since at least 1977. It is unclear when this chapter, relating to purchase of toll roads, first included language regarding PPPs.

[8] Prior to 2013 legislation, Maryland had no explicit PPP statute; however, a 1996 general attorney's decision confirmed, under state regulation, that P3s were legal under statutory authority.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	2009	Comprehensive; state; transportation	State DOT	Design-build-finance-operate-maintain and design--build-operate-maintain contracts through the sale, lease, operation and maintenance of a transportation facility.
Minnesota	Minn. Stat. Ann. §§160.84 to 98	1993	Limited; state and local; transportation	Road authorities[9]	Toll facilities that are a bridge, causeway, or tunnel, and its approaches; a road, street or highway; an appurtenant building, structure or other improvement; land lying within applicable rights-of-way; and other appurtenant rights or hereditaments that together comprise a project for which a road authority or private operator is authorized to develop, finance, design, operate and impose tolls.
Mississippi	Miss. Code Ann. §§65-43-1 to 85	2007	Comprehensive; state and local; transportation	Mississippi Transportation Commission, county boards of supervisors and/or the governing authorities of municipalities	Design, finance, construction, operate and/or maintenance contracts for one or more toll roads or toll bridges, including toll booths and related facilities.
Missouri	Mo. Rev. Stat. §§227.600 to 669	2006	Limited; state, local and regional; transportation	Highways and Transportation Commission; a federal agency, agencies of the state, a local or regional transportation authority	P3s for financing, development and/or operation of any pipeline, ferry, river port, airport, railroad, light rail or other mass transit facility.[10]
	Mo. Rev. Stat. §§238.300 to 367	1990	Limited; state, local and regional; transportation	Highways and Transportation Commission; a transportation corporation; a federal agency, agencies of the state or a local transportation authority	Agreements to fund, promote, plan, design, construct, maintain and operate one or more bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

[9] §160.02 defines a road authority as the commissioner, as to trunk highways; the county board, as to county state-aid highways and county highways; the town board, as to town roads; and the governing bodies of cities when the governing bodies or city streets are specifically mentioned.

[10] §227.600(2)(10) states any project not specifically included in this list shall not be financed, developed or operated by a private partner until such project is approved by a vote of the people.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
Nevada	Nev. Rev. Stat. §§338.161 to 168	2003	Limited; state and local; transportation	State, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work	Develop, construct, improve, maintain or operate, or any combination thereof, a transportation facility.
North Carolina	N.C. Gen. Stat. §136-28.6 and 6A	2009	Limited; state and local; transportation	State DOT, counties, municipalities	Transportation projects on the DOT's Transportation Improvement Plan or other mutually adopted transportation plan. Contracts for engineering, design or construction. The DOT's participation is limited to $250,000.
	N.C. Gen. Stat. §§136-89.180 to 198	2002	Limited; state; transportation	North Carolina Turnpike Authority	Partnership agreements with the DOT, political subdivisions of the state and private entities for the purpose of financing the cost of acquiring, constructing, equipping, operating or maintaining any turnpike project. The Authority is permitted to study, plan, develop and undertake preliminary design work on up to nine projects and then to design, establish, purchase, construct, operate and maintain four projects identified in §136-89.183(a)(2). Additional projects require consultation with the Joint Legislative Commission on Governmental Operations.
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13	1993	Comprehensive; state and local; multi-sector	Public authorities, which include the state (subject to legislative authority), a county, township or city	Construction, improvement, rehabilitation, operation, management and ownership of a fee-based facility.
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83	2011	Comprehensive; state; transportation	State DOT	Development, financing, maintenance or operation of a transportation facility, including a tunnel, ferry, port facility, intermodal facility or similar facility open to the public and used for transportation.
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	2003; 1995	Comprehensive; state; transportation	State DOT	P3s for planning, acquisition, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing and operation of transportation projects in any mode. Also design-build contracts; lease agreements; licenses, franchises, or other agreements for operation or maintenance; or financing arrangements for tollway projects.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	2012	Comprehensive; state and local; transportation	Any state agency, commission or authority with transportation facilities; all projects must be approved prior to procurement by the Public-Private Transportation Partnership Board	Predevelopment, design-build, design-build-operate, design-build-maintain, design-build-finance-operate, design-build-operate-maintain, design-build-finance-operate-maintain and operate-maintain agreements for transportation facilities; a concession for a development entity to design, build, operate, maintain, manage or lease a transportation facility; and any other innovative or nontraditional project delivery method.
South Carolina	S.C. Code Ann. §57-3-200	1994	Comprehensive; state; transportation	State DOT	Partnership agreements with political subdivisions and private entities to finance, by tolls and other financing methods, the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges.
	S.C. Code Ann. §§57-5-1310 to 1495	1962[11]	Comprehensive; state; transportation	State DOT	Contracts for designating, establishing, planning, improving, constructing, maintaining and regulating turnpike facilities. The DOT is allowed to use any authorizations from other state law to carry out such contracts, including the provisions of §57-3-200 permitting P3s.
Tennessee	Tenn. Code Ann. §54-1-119	2007	Limited; state; transportation	State DOT	Contracts for design, right-of-way acquisition, or utility relocation, or all of those, along with e construction of a project by a single entity. Limited to 15 projects per year under $1 million and five projects per year in excess of $1million.
	Tenn. Code Ann. §§54-3-101 to 113	2007	Limited; state; transportation	State DOT	Design-build contracts with private entities pursuant to which all or part of the design, right-of-way acquisition, relocation of utilities and construction of a tollway or toll facility is accomplished by a private entity or entities on behalf of the department; service agreements for operation of a tollway, toll facility, or appurtenant facility; and agreements with the federal government or other governmental agencies for the purpose of undertaking all or any part of a tollway or toll facility project. P3 legislation is limited to a pilot program that can consist of up to two highway or bridge projects.

[11] S.C. Code Ann. §§57-5-1310 to 1495 allows the DOT to "exercise such authorization as are granted to the DOT by the provisions of other statute law;" therefore, this statute did not allow PPPs until S.C. Code Ann. §57-3-200 was passed in 1994.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
Texas	Tex. Transportation Code Ann. §§222.001 to 107		Limited; state, regional and local; transportation	State DOT, regional tollway authorities, regional mobility authorities, counties and municipalities	Agreements with private entities for design, financing, maintenance, operation or construction—including oversight and inspection—of a toll or non-toll facility on the state highway system, where the private or public entity is paid pass-through tolls.
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	2005	Limited; state; transportation	State DOT	Comprehensive development agreements with private entities to design, develop, finance, construct, maintain, repair, operate, extend or expand a toll project or a state highway improvement project that either includes both tolled and untolled lanes, is financed by private activity bonds, or in which the private entity has an interest. Also allows agreements for financing, design, acquisition, construction, maintenance or operation of a rail facility or system. Authorization applies only to a limited number of named projects.[12]
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	2007	Comprehensive; regional; transportation	Regional tollway authorities	Comprehensive development agreements with private entities for at least the design, construction, rehabilitation, expansion or improvement of a turnpike project; also may include financing, acquisition, maintenance or operation of a turnpike project.
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	2003	Limited **(expired);** regional; transportation	Regional mobility authorities	Comprehensive development agreements with private entities for at least the design and construction of a transportation project; also may include financing, acquisition, maintenance or operation of a transportation project. Projects may not be part of the state highway system unless agreed to by the authority and the DOT.
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	2007	Comprehensive; local; transportation	Counties[13]	Comprehensive development agreements with private entities to design, develop, finance, construct, maintain, repair, operate, extend or expand a proposed or existing causeway, bridge, tunnel, turnpike, highway or ferry project, to the extent and in the manner applicable to the DOT under Chapter 223 and to regional tollway authorities under Chapter 366. Projects may not be part of the state highway system unless agreed to by the DOT.
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206	2006	Comprehensive; state; transportation	State DOT; Transportation Commission	Agreement providing for predevelopment activities, design, construction, reconstruction, financing, acquisition, maintenance and/or operation of a tollway.

[12] §223.201(f) and §223.2011 list the specific projects for which the DOT is permitted to enter into comprehensive agreements.

[13] Chapter 284 applies only to counties with a population of 50,000 or more that borders the Gulf of Mexico, has a population of 2 million or more, is adjacent to a county with a population of 2 million or more, or borders the United Mexican States.

State/ Jurisdiction	Statutory citation	1. Year of enactment	2. Statute type	3. Entities authorized to enter into P3s	4. Projects or project types authorized
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120	2006	Comprehensive; state; transportation	State DOT	Toll projects for funding design, contraction, reconstruction, operation, enforcement and maintenance of transportation routes.
Virginia	Va. Code §§33.2-1800 to 1824	1995	Comprehensive; state and local; transportation	Any commonwealth agency or authority, county, city or town	Agreements in which a private entity will provide transportation-related services, including, but not limited to, operation and maintenance, revenue collection and enforcement, design, and construction for a qualified transportation facility.
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290	2005	Comprehensive; state; transportation	Commission of Transportation (state DOT)	Contracts for planning, acquisition, design, financing, management, development, construction, reconstruction, replacement, improvement, maintenance, preservation, repair and operation of transportation projects where the state's primary purpose is to facilitate safe transport.
West Virginia	W. Va. Code §§17-27-1 to 18	2008	Comprehensive; state; transportation	Division of Highways	Acquisition, construction or improvement of a transportation facility, including any waterway port facility, road, bridge, tunnel, overpass or existing airport.
Wisconsin	Wis. Stat. Ann. §84.01(30)	1998	Comprehensive; state; transportation	State DOT	Build-operate-lease or transfer agreements.
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01	2014	Comprehensive; district; multi-sector	Office of Public-Private Partnerships	The design, construction, maintenance operation or financing, among other activities, of transportation, educational, cultural and utility facilities or any other building beneficial to the public interest.
Puerto Rico	9 L.R.P.A. §§2001 to 2021	1965	Comprehensive; territory; transportation	Puerto Rico Highway and Transportation Authority	Contracts with private entities for final design, construction, operation and maintenance of new highways, bridges, avenues, expressways and ancillary transit facilities.
	27 L.R.P.A. §§2601 to 2623	2009	Comprehensive; territory; multi-sector	The Public-Private Partnership Authority[14]	P3s for construction, operation or maintenance of transportation systems of any kind.[15]

[14] §2603 permits all government entities to establish and execute PPPs. §2605(b) states the Authority is the sole government entity authorized and responsible for implementation of the Public-Private Partnerships Act, and the Authority is authorized to evaluate and select the government entities for partnerships and determine whether it is advisable to carry out a PPP.

[15] In addition, §2602 allows PPPs to be used for the following types of projects: sanitary landfill systems; reservoirs and dams; existing or new renewable energy plants; educational, health, security, correctional and rehabilitation facilities; affordable housing projects; entertainment facilities; communication networks; high-technology, informatics and automation systems; and any kind of activity, facility or service identified as a priority project by the legislature. Provisions in statute list to what extent each type of project is allowed to use PPPs (in regard to development, construction, operation, maintenance, design, etc.).

P3 Provisions Table 2: General

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
Alabama	Ala. Code §23-1-81					✗[16]	✓	
	Ala. Code §§23-2-140 to 163	✓		✗[17]			✗[18]	
Alaska	Alaska Stat. §§19.75.111 to 990	✓[19]						
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710	✓			✓ (50 years)[20]	✓	✓	✓
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211					✓[21]		
	Ark. Stat. Ann. §27-76-402 and 403							
California	Cal. Streets & Highways Code §143	✓	✓ (2017)	✗[22]		✓	✓[23]	✓
	Cal. Gov. Code §§5956 to 5956.10	✓[24]			✓ (35 years)		✓	
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5	✓					✓	
	Colo. Rev. Stat. §§43-1-1201 to 1209	✓			✓ (99 years)			✓
	Colo. Rev. Stat. §§43-4-801 to 812	✓		✓			✓	✓

[16] §23-1-81(e) states, "no toll bridge shall be established over the same watercourse within two miles of any other toll bridge."
[17] §23-2-163 states that the act does not apply to existing roadway capacity.
[18] See note 17.
[19] Only inasmuch as §19.75.111 authorizes "public-private partnerships or service contracts in any form."
[20] §28-7705(B) limits agreements to a term not to exceed 50 years but provides for an agreement to be extended for additional terms.
[21] Inasmuch as §27-86-210 authorizes the State Highway Commission to purchase any privately operated toll road or to construct bridges where privately owned toll bridges are now operated.
[22] §143(q) prohibits the conversion of existing lanes into tolled or user-fee lanes, with the exception of HOT lanes.
[23] Inasmuch as §143(a)(6) allows PPPs for the reconstruction, rehabilitation, improvement or acquisition (among other activities) of transportation projects.
[24] Inasmuch as §5656.2 expresses the legislative intent to allow for private sector investment to design, construct, develop, finance, maintain, rebuild, improve, report, operate or any combination thereof, and §5956.6 requires an agreement to include a provision ensuring the adequate financial resources of the private entity to design, build and operate the facility.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
	Colo. Rev. Stat. §§43-3-301 to 304					✓		
	Colo. Rev. Stat. §§43-3-401 to 414							
	Colo. Rev. Stat. §43-2-219			✓			✓	
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263		✓ (Jan. 1, 2015)	✓ (only with legislative approval)[25]	✓ (50 years)	✓	✓	
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	✓			✓ (50 years)		✓	✓ (variable tolling)
Florida	Fla. Stat. Ann. §334.30				✓ (50 years)[26]	✓	✓	
	Fla. Stat. Ann. §337.251				✓ (99 years)			
	Fla. Stat. Ann. §338.22 to 251						✓[27]	
	Fla. Stat. Ann. §343.875							
	Fla. Stat. Ann. §348.0004			✓[28]			✓	
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1	✓						
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.							

[25] See note 82.

[26] §334.30(11) limits agreements to 50 years. Agreements may be authorized for up to 75 years by the secretary of the DOT, and the Legislature may authorize an agreement to exceed 75 years.

[27] Inasmuch as §338.222 permits agreements that include, but are not limited to, the purchase, lease, or otherwise acquire, improve, relocate and repair of the Florida Turnpike System.

[28] Inasmuch as §348.0004(9)(a) permits PPPs for new and existing transportation facilities, and §348.0004(9)(d) permits an agreement to allow the private entity to establish and collect tolls.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450							
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)			[29]			✓[30]	
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135	[31]			✓ (99 years)[32]			
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2				✓ (five years, unless otherwise approved)		✓	
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	✓[33]	[34]	✓ (with approval only)[35]	✓ (75 years)		✓	✓
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281							

[29] §5/10-802(3) permits municipalities to implement tolls on bridge projects. See also note 30.

[30] Inasmuch as §5/10-802(1) allows a municipality to, among other things, improve, enlarge and better a bridge within 5 miles of the corporate limits of the municipality.

[31] §130/25(a)(10.5) seems to imply an agreement would include design-build, inasmuch as the agreement must include a provision requiring a contractor to follow the Design-Build Procurement Act to acquire a design-build subcontract with another entity.

[32] §130/15(d) permits the agreement term to be extended past 99 years with legislative approval.

[33] Only inasmuch as §8-15.5-3-1 authorizes "any combination of the following activities," which include design and construction, and §8-15.7-3-1 permits "any combination of the development, financing, and operation" and in the same chapter development includes design by definition.

[34] §8-15.5-1-2 and §8-15.7-1-5 require the legislature to pass statutes authorizing PPPs for many specific projects; however, between July 1, 2011, and June 30, 2021, this requirement does not apply. This is not a sunset provision for PPPs, but it does create more stringent requirements to go into effect at a certain point in the future. See also note 35.

[35] §§8-23-7-22 et seq. permits the conversion of a state highway to a tollway upon approval by the governor, among other requirements. §§8-15-2-1(d) and 8-15.5-1-2 require the General Assembly to enact a statute to approve certain construction and tolling on Interstate 69, as well as imposing tolls on motor vehicles for use of a nontolled highway, roadway or other facility in existence or under construction on July 1, 2011. §§8-15-3-9, 8-15.5-1-2 and 8-15.7-1-5 state that, for the period from July 1, 2011, to July 1, 2021, legislative approval is not required to approve the location of a tollway with respect to: projects on which construction begins after June 30, 2011, except for most portions of Interstate 69; the addition of toll lanes, including high-occupancy toll lanes, if the total number of nontolled lanes does not decrease due to the addition of the toll lanes; the Illiana Expressway; and a project located within a metropolitan planning area that connects Indiana with Kentucky.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
	La. Rev. Stat. Ann. §§48:2020 to 2037							
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	✓		[36]			✓	
Maine	Me. Rev. Stat. Ann. tit. 23, §4251			✓	✓ (50 years)[37]		✓	
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403				✓ (50 years)[38]	✓	✓[39]	
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	✓[40]			✓ (50 years)[41]		✓	
Minnesota	Minn. Stat. Ann. §§160.84 to 98	✓		[42]			✓	✓
Mississippi	Miss. Code Ann. §§65-43-1 to 85	✓			✓ (50 years)	[43]		
Missouri	Mo. Rev. Stat. §§227.600 to 669	✓			✗[44]			

[36] §48:2084.5 prohibits the imposition of tolls or user fees on any existing free road or system of roads unless such road or system of roads is improved or expanded.

[37] §4521(8) permits terms longer than 50 years if approved by the Legislature.

[38] §10A-402(b) allows the Board of Public works to waive the term limit if it determines sufficient reason has been demonstrated.

[39] Inasmuch as §10A-102 calls for PPPs to develop and strengthen the state's public infrastructure assets.

[40] Only inasmuch as design-build is included within the authorized types of contracts. Authorized types of contracts include design-build-finance-operate-maintain and design-build-operate-maintain.

[41] §64(c)(2) permits contract terms to exceed 50 years by approval of the governor.

[42] §160.845 states that a road authority may not convert an existing highway to a toll facility. This does not apply to any toll facility or HOV lane constructed, converted or established before Sept. 1, 2007; any additional lane, including a priced dynamic shoulder lane, HOV lane or HOT lane added to a highway after Sept. 1, 2007; or any other general purpose land that adds capacity.

[43] §65-43-1 stipulates that toll projects may be built in locations where an alternate route exists.

[44] §227.630 explicitly states a project can have a length of any term.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
	Mo. Rev. Stat. §§238.300 to 367	✓		✗[45]				
Nevada	Nev. Rev. Stat. §§338.161 to 168	✓		(N/A)				(N/A)
North Carolina	N.C. Gen. Stat. §136-28.6A							
	N.C. Gen. Stat. §§136-89.180 to 198	✓		✓ (limited)[46]		✓	✓	✓
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13			✓[47]	✓ (50 years, reviewed every five years)		✓[48]	
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83			✓[49]			✓[50]	
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓		✓ (only with Transportation Commission approval)[51]			✓	✓
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	✓		✓	✓ (99 years)		✓	
South Carolina	S.C. Code Ann. §57-3-200			[52]			✓[53]	

[45] §238.325(2) states "to construct a toll facility, a corporation may relocate an existing state highway subject to approval by the commission or an existing local public street or road subject to approval by the local transportation authority having control and jurisdiction over such street or road. A corporation shall not incorporate an existing free public street, road, or highway into a corporation project that will be subject to tolls."

[46] §136-89.187 prohibits the conversion of any nontolled segment of the state highway system to a toll facility except an identified segment of N.C. 540. Such conversion is subject to approval by the MPO or RPO where the segment is located. §136-89.198 permits the collection of tolls on existing Interstate highways for which the U.S. DOT has granted permission.

[47] Inasmuch as §48-02.1-03 allows proposals for improving and rehabilitating fee-based facilities, and §48-02.1-01(4) defines a fee-based facility as any public improvement in which a charge is based on a level of service by users.

[48] See note 47.

[49] §5501.73(B)(5) permits the use of user fees and tolls. See also note 50.

[50] Inasmuch as public-private agreements are permitted for transportation facilities, which §5501.01 defines as "all publicly owned modes and means of transporting people and goods."

[51] Transportation Commission approval is required for the state DOT to impose tolls. §383.004, however, allows a city or county to establish tolls on any highway over which it has jurisdiction as a road authority.

[52] Statute does not explicitly allow tolls on existing roads, but it does permit tolls. See also note 53.

[53] Inasmuch as §57-3-200 allows agreements for the acquiring of highways, roads, streets and bridges.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
	S.C. Code Ann. §§57-5-1310 to 1495			✓[54]			✓	
Tennessee	Tenn. Code Ann. §54-1-119	✓						
	Tenn. Code Ann. §§54-3-101 to 113	✓		✗[55]			✗[56]	
Texas	Tex. Transportation Code Ann. §§222.001 to 107			✓			✓	
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	✓	✓ (2017)[57]	✗[58]	✓ (52 years)	✓	✓	✓
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✓[59]			✓ (52 years)	✓	✓	
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	✓	✓ (expired 2011)		✓ (52 years)	✓		

[54] §57-5-1340 permits fixing and charging tolls by the DOT for turnpike facilities. §57-5-1320(2) states a turnpike facility includes portions or extensions of any existing or proposed highway.

[55] See note 56.

[56] §54-3-104(d) excludes the authority to develop and operate tolls from any highway, bridge or other transportation-related facility constructed prior to June 28, 2007, except that any additional lane capacity constructed on or along an existing highway or bridge after June 28, 2007, may be operated as a tollway.

[57] Under §223.201(i) the DOT's authority to enter into a comprehensive agreement expires on Aug. 31, 2017, for all projects described in §223.201(f), other than the S.H. 99 project; the authority expires on Aug. 31, 2015, for the S.H. 183 project.

[58] §228.201 prohibits the state from operating an existing roadway as a tollway except for limited instances that are specified in the statute.

[59] Design-build is authorized later in the chapter, in §§370.401 et seq., with separate procedures and requirements.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153				✓ (50 years)[60].	✓	✓	
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206	✓			✓ (99 years)			✓
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120	✓		✓[61]			✓	✓
Virginia	Va. Code §§33.2-1800 to 1824			[62]			✓[63]	
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290							
West Virginia	W. Va. Code §§17-27-1 to 18		✓ (June 30, 2017)	✓[64]			✓[65]	
Wisconsin	Wis. Stat. Ann. §84.01(30)							
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01				✓ (99 years)	✓		

[60] According to §284.064, an agreement between a county and a person that includes the collection by the person of tolls may not be for a term longer than 50 years.

[61] §72-6-118(3) allows for high-occupancy toll lanes on existing state highways and tollways on additional capacity lanes.

[62] Statute does not explicitly allow tolls on existing roads, but see note 63; inasmuch as §56-566(B) permits the use of user fees in comprehensive agreements.

[63] §56-557 defines a transportation facility as any road, bridge, tunnel, overpass, ferry, airport, mass transit facility, vehicle parking facility, port facility or any similar commercial facility.

[64] Inasmuch as §17-27-8 permits the use of user fees in comprehensive agreements, and §17-27-5 permits the commissioner of highways to accept a comprehensive agreement for the acquisition, construction or improvement of a transportation facility.

[65] See note 64.

State/ Jurisdiction	Statutory Citation	5. Authorizes design-build	6. Sunset provisions	7. Explicitly allows the conversion of existing roads to toll roads	8. Limits term lengths for P3 agreements	9. Prohibits noncompete provisions or requires alternative routes	10. Allows P3s for both existing and new facilities	11. Allows HOT lanes or congestion pricing
Puerto Rico	9 L.R.P.A. §§2001 to 2021	✓		✓[66]	✓ (50 years)	✓[67]	✓	
	27 L.R.P.A. §§2601 to 2623				✓ (50 years)[68]		✓	
Total		20 + P.R.	4	14 + P.R.	16 + D.C. and P.R.	9 + D.C. and P.R.	24 + P.R.	9

[66] §2004e requires legislative approval for an existing road to be converted into a toll road.

[67] §2004e requires an alternate route to exist when an existing road is converted into a toll road.

[68] §2609(e) allows for PPPs to extended beyond 50 years for successive terms that collectively do not exceed 25 years, with approval by legislation.

P3 Provisions Table 3: Governance

State/ Jurisdiction	Statutory Citation	12. Requires state legislative approval, review or other involvement	13. Requires approval, review or other involvement by other state, local or federal entity	14. Creates a public P3 advisory body	15. Explicitly requires consistency with existing state or local transportation plans
Alabama	Ala. Code §23-1-81				
	Ala. Code §§23-2-140 to 163	✓ (review)[69]	✓[70]		
Alaska	Alaska Stat. §§19.75.111 to 990	✓ (review)[71]	✓[72]		✗[73]
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710				✓
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211		✓[74]		
	Ark. Stat. Ann. §27-76-402 and 403				
California	Cal. Streets & Highways Code §143	✓ (review)[75]	✓[76]	✓[77]	
	Cal. Gov. Code §§5956 to 5956.10		✓[78]		
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5		✓[79]		
	Colo. Rev. Stat. §§43-1-1201 to 1209				[80]
	Colo. Rev. Stat. §§43-4-801 to 812	✓ (other)[81]	✓	✓	
	Colo. Rev. Stat. §§43-3-301 to 304				

[69] §23-2-158 requires the authority to submit an annual report to the Legislature.

[70] §23-2-144(5) requires the authority to have the approval of the Department of Transportation to acquire and construct toll road, bridge or tunnel projects. §23-2-144(a)(15) and §23-2-158 require the governor to approve the acceptance of federal funds as well as the expenditure of funds to study proposed projects.

[71] §19.75.111(b)(1) requires the authority to submit an annual report to the Legislature and the governor detailing its operations over the previous year and prospects for the next year.

[72] See note 71.

[73] §19.75.911 specifically exempts the activities of the authority from land use planning, zoning, permitting or other similar governmental powers of political subdivisions of the state. §19.75.111(19) allows, but does not require, the authority to confer with municipal and other governments, metropolitan planning organizations, and the Department of Transportation and Public Facilities concerning the Knik Arm Bridge.

[74] §27-86-201 requires federal consent for the construction of a toll bridge.

[75] §143(c) requires legislative review, but not approval.

[76] §143(c) requires approval by the California Transportation Commission, then review by the Legislature and the Public Infrastructure Advisory Commission.

[77] §143(a)(5) and §143(b) establish the Public Infrastructure Advisory Commission within the Business, Transportation and Housing Agency.

[78] §5956.6(b)(5)(D) requires any action by a local agency to levy or increase a user fee or service charge to be approved by ordinance or resolution of the local legislative body.

[79] §43-3-202(1)(c) states, "any contract relating to the financing of any such construction, maintenance, improvement or reconstruction shall be approved by the governor before the same becomes effective."

[80] §43-1-1202(1)(f) requires a toll road to be incorporated into the statewide transportation plan if the DOT facilitates the development and performance of the public-private initiative.

[81] §43-3-805(6) and §43-3-806(10) require the bridge enterprise and the high performance transportation enterprise (respectively) to present annual reports to the state legislative committees with jurisdiction over transportation. The committees must review the report and may recommend legislation.

State/ Jurisdiction	Statutory Citation	12. Requires state legislative approval, review or other involvement	13. Requires approval, review or other involvement by other state, local or federal entity	14. Creates a public P3 advisory body	15. Explicitly requires consistency with existing state or local transportation plans
	Colo. Rev. Stat. §§43-3-401 to 414		✓		
	Colo. Rev. Stat. §43-2-219				
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263	✓ (review of projects; approval of tolls)[82]	✓[83]		
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	✓ (approval)[84]	✓[85]		✓[86]
Florida	Fla. Stat. Ann. §334.30	✓ (approval)			✓
	Fla. Stat. Ann. §337.251			✓	
	Fla. Stat. Ann. §338.22 to 251	✓ (approval)	✓		✓
	Fla. Stat. Ann. §343.875				✓
	Fla. Stat. Ann. §348.0004	✓ (only for P3s on existing facilities)	✗[87]		✓
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1	✓ (other)[88]	✓		
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.			✓[89]	
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450				

[82] §4-256(d) requires any agency that submits a PPP project to the governor for approval to transmit a copy of its submission to the joint standing committees of the General Assembly "having cognizance of matters related to finance, revenue and bonding and appropriations and the budgets of state agencies." The committees then must hold public hearings on any such submission. §4-256(f) further requires the governor to report annually to the General Assembly concerning the status of PPPs starting in 2013. §4-259(a)(6) requires the imposition of tolls on highways to be specifically approved by the General Assembly.

[83] §4-256(a) requires all projects to be approved by the governor; any agency seeking to establish a PPP also must consult with the commissioners of economic and community development, construction services and transportation, the state treasurer, and the secretary of the Office of Policy and Management.

[84] §2003(b) requires General Assembly approval; §2003(e)(3) authorizes the co-chairs of the Joint Bond Bill Committee to approve or reject a project.

[85] §2003(e)(2) requires approval by the directly affected metropolitan planning organization(s) and the Council on Transportation.

[86] §2003(b) and §2003(e)(2) require consistency with state and regional transportation plan. §2003(e)(3) further specifies that legislative approval of a PPP project automatically amends it to the Capital Improvements Program in the fiscal year in which the approval is granted.

[87] §348.0004(3) explicitly states approval from municipalities is not necessary if the project is consistent with the locally adopted comprehensive plan.

[88] §32-2-80(a)(6) and §32-2-81(f) require quarterly and annual reports, respectively, to be submitted to the legislature and governor.

[89] §36-91-111 establishes the Partnership for Public Facilities and Infrastructure Act Guidelines Committee to help local governments implement P3s.

State/ Jurisdiction	Statutory Citation	12. Requires state legislative approval, review or other involvement	13. Requires approval, review or other involvement by other state, local or federal entity	14. Creates a public P3 advisory body	15. Explicitly requires consistency with existing state or local transportation plans
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)				
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135	✓ (other)[90]	✓		
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2		✓ (only for term lengths in excess of five years)[91]		
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	✓ (approval of tolls; review of agreements, selection of private operators, studies and requests for proposals)[92]	✓[93]		
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281	✓ (other)	✓		
	La. Rev. Stat. Ann. §§48:2020 to 2037		✓		✓
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	✓ (other)	✓		[94]
Maine	Me. Rev. Stat. Ann. tit. 23, §4251	✓ (approval)			✓
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403	✓ (review)	✓		

[90] §130/60(a) requires the DOT to submit monthly progress reports to the General Assembly.

[91] §5-23-6-1 requires approval of the board of the relevant public agency, the governor or the fiscal body of the relevant political subdivision to allow an original term in excess of five years.

[92] See notes 35, 93 and 257. In addition, §8-15.5-10-3 requires the Legislative Budget Committee to review public-private agreements. §8-15.7-4-2 requires the committee to review requests for proposals. It must conduct a review of either a request for proposals or an agreement within 90 days if the project includes tolls.

[93] §8-15-3-9 requires the governor to approve the location of any tollway. §8-15.5-4-11 and §8-15.7-4-3 require the governor to approve—and the budget committee to review—the selection of a private operator. The budget committee must conduct a review of the selection of the operator within 90 days if the project involves tolls. §8-15.5-5-1 and §8-15.5-10-3 require the governor and the budget director to approve public-private agreements. See also note 257.

[94] §48:2084(D)(b) requires the authority, when reviewing proposals, to consider whether the proposal is incompatible with existing transportation plans.

State/ Jurisdiction	Statutory Citation	12. Requires state legislative approval, review or other involvement	13. Requires approval, review or other involvement by other state, local or federal entity	14. Creates a public P3 advisory body	15. Explicitly requires consistency with existing state or local transportation plans
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	✓ (review)[95]	✓[96]	✓[97]	
Minnesota	Minn. Stat. Ann. §§160.84 to 98		✓		
Mississippi	Miss. Code Ann. §§65-43-1 to 85	✓ (review)	✓		
Missouri	Mo. Rev. Stat. §§227.600 to 669	✓ (approval)	✓		
	Mo. Rev. Stat. §§238.300 to 367		✓		
Nevada	Nev. Rev. Stat. §§338.161 to 168		✓		✓
North Carolina	N.C. Gen. Stat. §136-28.6A	✓ (review)			✓
	N.C. Gen. Stat. §§136-89.180 to 198	✓ (approval)			✓
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13	✓ (other)[98]			
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83				✓
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓ (review)[99]	✓[100]	✓[101]	✓[102]
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	✓ (other)[103]		✓	
South Carolina	S.C. Code Ann. §57-3-200				
	S.C. Code Ann. §§57-5-1310 to 1495	✓ (other)			

[95] §73 requires the Public-Private Partnership Infrastructure Oversight Commission to submit a report related to a request for proposals to the House Committee on Ways and Means, the Senate Committee on Ways and Means, and the chairmen of the Joint Committee on Transportation, as well as to the secretary for administration and finance and the state auditor.

[96] §64 subjects public-private agreements to approval by the DOT and the Public-Private Partnership Infrastructure Oversight Commission. Two members of the commission are appointed by the legislature, though no members can be members or employees of the legislature for a period of at least two years prior to appointment. The inspector general and attorney general also must review the proposed contract and submit any material objections. Term lengths in excess of 50 years must be approved in writing by the governor.

[97] §73 creates the Public-Private Partnership Infrastructure Oversight Commission, which must comment on and approve all requests for proposals.

[98] §48-02.1-01(6) requires the state to have legislative authority in order to be considered a public authority.

[99] §367.826 requires the DOT to report to the legislature's Emergency Board at least twice during each interim on proposed or agreed to PPP projects.

[100] §§367.806 and 383.004 require the Oregon Transportation Commission to approve PPP agreements and the establishment of tolls. §367.808 allows the attorney general, at the request of the DOT, to appoint special assistant attorneys general to evaluate partnership agreements and advise the DOT. §387.822 allows the DOT or other units of government to establish advisory committees to review concepts or proposals for transportation projects. §383.013 requires the DOT to solicit recommendations of all units of government having jurisdiction concerning the design of a tollway.

[101] §367.804 establishes the Oregon Innovative Partnership Program within the DOT.

[102] §367.806 requires agreements to address whether a project is consistent with state, regional or local transportation plans and programs and, if not, how and when it will become consistent.

[103] §9104 allows the General Assembly to pass a concurrent resolution rescinding approval of a project. Such resolution must be passed within 20 days or nine legislative days, whichever is longer, or else the project is deemed approved.

State/ Jurisdiction	Statutory Citation	12. Requires state legislative approval, review or other involvement	13. Requires approval, review or other involvement by other state, local or federal entity	14. Creates a public P3 advisory body	15. Explicitly requires consistency with existing state or local transportation plans
Tennessee	Tenn. Code Ann. §54-1-119	✓ (other)[104]			
	Tenn. Code Ann. §§54-3-101 to 113	✓ (approval)	✓		✓
Texas	Tex. Transportation Code Ann. §§222.001 to 107	✓ (other)[105]			
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	✓ (review)[106]	✓ (review)[107]		✓
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✓ (review)	✓ (review)		✓
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	✓ (review)	✓ (review)		✓
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	✓ (review)	✓ (review; approval of use of certain funds or work on state highways)[108]		Subject to Chapters 223 and 366
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206	✓ (review)	✓		
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120	✓ (approval)			

[104] §54-1-119(d)(3) requires the DOT to identify any project with a contract estimate in excess of $70 million in the transportation improvement program submitted to the General Assembly. §54-1-119(e) requires the DOT to provide a report on the effectiveness of design-build contracts to the chairs of the Senate Transportation and Safety Committee and the House Transportation Committee after completing three projects in which the contract exceed $1 million.

[105] §222.103(d) requires the DOT to submit a status report on all highway projects on request of a member of the Legislature.

[106] §228.012 requires the DOT to submit to the Legislative Budget Board a biennial report on revenues received by the department under comprehensive development agreements and surplus revenues of toll projects or systems. §371.052 requires any toll project entity, within 10 days after qualifying or shortlisting private entities to submit detailed proposals for a toll project, to provide various materials to the Legislative Budget Board for review.

[107] §223.209 gives the DOT exclusive judgment to determine agreement terms. The Transportation Commission, however, must review a full financial plan and project status reports (see also note 276). For any comprehensive development agreement entered into by any toll project entity, the attorney general must review the proposed agreement and determine that it is legally sufficient, and the Legislative Budget Board and the state auditor also must review certain materials (§§371.051 et seq.; see also note 106).

[108] In addition to the requirements in §§371.051 et seq. (see notes 106 and 107), §284.003 requires the DOT to review counties' project plans, to approve county use of any state or federal highway funds, and to approve, supervise and regulate any work on a highway in the state highway system.

State/ Jurisdiction	Statutory Citation	12. Requires state legislative approval, review or other involvement	13. Requires approval, review or other involvement by other state, local or federal entity	14. Creates a public P3 advisory body	15. Explicitly requires consistency with existing state or local transportation plans
Virginia	Va. Code §§33.2-1800 to 1824		✓[109]	✓	✓
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290	✓ (approval)[110]	✓	✓	✓
West Virginia	W. Va. Code §§17-27-1 to 18	✓ (other)[111]			✓
Wisconsin	Wis. Stat. Ann. §84.01(30)				
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01	(N/A)	✓ (approval)	✓	
Puerto Rico	9 L.R.P.A. §§2001 to 2021	✓ (other)[112]	✓		
	27 L.R.P.A. §§2601 to 2623	✓ (other)[113]	✓	✓	
Total		26 + P.R.	24 + D.C. and P.R.	9 + P.R. and D.C.	14

[109] §33.2-1803(D) requires the CEO of the responsible public entity to establish public interest and certify in writing to the governor and General Assembly that public interest has not changed.

[110] §47.29.060 requires legislative approval to finance a project through revenue bonds and for the use of user fees; §47.29.230 requires legislative approval for the expenditure of money in the transportation innovative partnership account.

[111] §17-27-9(h) requires the commissioner of highways to submit a copy of each comprehensive agreement to the Joint Committee on Government and Finance.

[112] See note 66 for when legislature approval is needed.

[113] See note 68 for when legislature approval is needed.

P3 Provisions Table 4: Proposals and Procurement

State/ Jurisdiction	Statutory Citation	16. Allows both solicited and unsolicited proposals	17. Requires request for competing bids or other process for unsolicited proposals	18. Specifies evaluation criteria for P3 proposals	19. Addresses the confidentiality of information in bidders' proposals	20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals	21. Allows the public sector to charge application fees for proposal review
Alabama	Ala. Code §23-1-81						
	Ala. Code §§23-2-140 to 163	✗ (solicited only)	(N/A)				
Alaska	Alaska Stat. §§19.75.111 to 990						
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710	✓	✓	✓	✓	✓	✓ (unsolicited proposals only)
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211	✗[114]	(N/A)				
	Ark. Stat. Ann. §27-76-402 and 403						
California	Cal. Streets & Highways Code §143	✓	✓	✓[115]			
	Cal. Gov. Code §§5956 to 5956.10	✓	✓	✓			
Colorado	Colo. Rev. Stat. §§44-3-202 to	✓					
	Colo. Rev. Stat. §§43-1-1201 to	✓	✓[116]	✓	✓		
	Colo. Rev. Stat. §§43-4-801 to 812						
	Colo. Rev. Stat. §§43-3-301 to 304						
	Colo. Rev. Stat. §§43-3-401 to 414						
	Colo. Rev. Stat. §43-2-219						
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263		(N/A)	✓		✓	✓
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	✓	✓	[117]	✓		✓
Florida	Fla. Stat. Ann. §334.30	✓	✓	✓			✓

[114] The law seems to refer only to unsolicited proposals, inasmuch as §27-86-203 describes the process by which an applicant may apply to a county court for granting a franchise or privilege.

[115] §143(a)(1) specifies some criteria for best-value evaluations, but other criteria may be set by public agencies and the California Transportation Commission.

[116] §43-1-1203(6) requires a public request for competing bids if an unsolicited proposal requires the DOT to spend more than $50,000 in any fiscal year.

[117] §2003(c) allows the secretary of transportation to identify selection criteria in the request for proposals.

State/ Jurisdiction	Statutory Citation	16. Allows both solicited and unsolicited proposals	17. Requires request for competing bids or other process for unsolicited proposals	18. Specifies evaluation criteria for P3 proposals	19. Addresses the confidentiality of information in bidders' proposals	20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals	21. Allows the public sector to charge application fees for proposal review
	Fla. Stat. Ann. §337.251	✓	✓	✓			✓
	Fla. Stat. Ann. §338.22 to 251						
	Fla. Stat. Ann. §343.875	✓	✓	✓			✓
	Fla. Stat. Ann. §348.0004	✓	✓	✓			✓
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1	[118]	[119]	✓	✓		
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.	✗ (unsolicited only)	✓	✓			✓
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450						
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)						
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135						
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2			[120]	✓		
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25			[121]	✓	✓	
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281						
	La. Rev. Stat. Ann. §§48:2020 to 2037						

[118] §36-91-113 allows for unsolicited proposals to local governments only.

[119] §36-91-114 requires local governments to request competing bids for unsolicited proposals that are approved.

[120] §5-23-5-2 allows selection criteria to be specified in the request for proposals.

[121] Aside from requiring certain qualifications for the private entity, allows criteria for evaluating proposals to be specified in the requests for proposals (see §§8-15.5-4-2 and 8-15.7-4-2).

State/ Jurisdiction	Statutory Citation	16. Allows both solicited and unsolicited proposals	17. Requires request for competing bids or other process for unsolicited proposals	18. Specifies evaluation criteria for P3 proposals	19. Addresses the confidentiality of information in bidders' proposals	20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals	21. Allows the public sector to charge application fees for proposal review
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	✓	✓	✓	✓		✓ (unsolicited proposals only)
Maine	Me. Rev. Stat. Ann. tit. 23, §4251	✓	✓	✓[122]	✓		✓
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403	✓	✓		✓	✓	✓ (unsolicited proposals only)
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	✗ (solicited only)	(N/A)	[123]	✓	✓	
Minnesota	Minn. Stat. Ann. §§160.84 to 98	✓					
Mississippi	Miss. Code Ann. §§65-43-1 to 85	✓	✓	✓		✗[124]	
Missouri	Mo. Rev. Stat. §§227.600 to 669	✓	✓		✓	✓	
	Mo. Rev. Stat. §§238.300 to 367						✓
Nevada	Nev. Rev. Stat. §§338.161 to 168	✗[125] (unsolicited only)	✗[126]	✓			✓
North Carolina	N.C. Gen. Stat. §136-28.6A						
	N.C. Gen. Stat. §§136-89.180 to 198						
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13	✓					
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83	✓	✓	✓	✓	✓	✓
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓	✗[127]	✓[128]	✓		✓
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	✓	✓	✓	✓		

[122] §4521(4) sets standards a proposal must meet before submission to the Legislature for approval.
[123] Allows criteria for evaluating proposals to be specified in the requests for proposals (see §63).
[124] §65-43-3(2)(e) explicitly states a governmental agency is not required to pay any fees for proposals.
[125] §338.163 permits a person to submit a request to a public body. There is no mention in Nevada law about soliciting RFPs by a public body.
[126] §338.164 provides the option to the public body to request additional bids; there is no requirement to do so.
[127] §383.017 allows the DOT to award a contract for a tollway project by a competitive process or by private negotiation with one or more entities.
[128] §383.017 specifies factors to consider if a competitive process is used.

State/ Jurisdiction	Statutory Citation	16. Allows both solicited and unsolicited proposals	17. Requires request for competing bids or other process for unsolicited proposals	18. Specifies evaluation criteria for P3 proposals	19. Addresses the confidentiality of information in bidders' proposals	20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals	21. Allows the public sector to charge application fees for proposal review
South Carolina	S.C. Code Ann. §57-3-200						
	S.C. Code Ann. §§57-5-1310 to 1495						
Tennessee	Tenn. Code Ann. §54-1-119					✓[129]	
	Tenn. Code Ann. §§54-3-101 to 113						
Texas	Tex. Transportation Code Ann. §§222.001 to 107						
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	✓	✓	[130]	✓	✓	✓ (for unsolicited proposals)
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✓	✓	[131]	✓	✓	✓ (for unsolicited proposals)
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	✓	✓	[132]	✓	✓	✓ (for unsolicited proposals)
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	Subject to chapters 223 and 366	Subject to chapters 223 and 366	Subject to chapters 223 and 366	Subject to chapters 223 and 366	Subject to chapters 223 and 366	Subject to chapters 223 and 366

[129] §54-1-119(c) permits the DOT to award a stipulated fee to firms that submit proposals but are not awarded a contract. The stipends are not required, and statute does not require the fee to be in exchange for the use of any proposal materials.

[130] §223.203(e) calls for the proposals to be evaluated based on criteria described in the request for competing proposals.

[131] §366.402(e) calls for the proposals to be evaluated based on criteria described in the request for competing proposals.

[132] §370.306(e) calls for the proposals to be evaluated based on criteria described in the notice.

State/ Jurisdiction	Statutory Citation	16. Allows both solicited and unsolicited proposals	17. Requires request for competing bids or other process for unsolicited proposals	18. Specifies evaluation criteria for P3 proposals	19. Addresses the confidentiality of information in bidders' proposals	20. Explicitly allows payment to unsuccessful bidders for use of materials in their proposals	21. Allows the public sector to charge application fees for proposal review
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206	✓	✓				✓
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120						
Virginia	Va. Code §§33.2-1800 to 1824	✓		✓	✓		✓ (for unsolicited proposals)[133]
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290	✓[134] (2015)	✓		✓		✓
West Virginia	W. Va. Code §§17-27-1 to 18			✓	✓		✓
Wisconsin	Wis. Stat. Ann. §84.01(30)						
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01	✓	✓	✓	✓	✓	✓
Puerto Rico	9 L.R.P.A. §§2001 to 2021			✓	✓		
	27 L.R.P.A. §§2601 to 2623			✓	✓		✓[135]
Total		19 + D.C.	16 + D.C.	15 + D.C. and P.R.	17 + D.C. and P.R.	9 + D.C.	17 + D.C. and P.R.

[133] §56-560(D) allows for the public entity to charge fees for the review of unsolicited proposals, and §56-560(B) prohibits the public entity from charging fees for the review or solicited proposals.

[134] §47.29.170(5)(c) prohibits the commission from accepting unsolicited proposals until July 1, 2015.

[135] Inasmuch as §2605(a)(6) permits the Authority to charge fees for services it shall render as part of the procedures to establish partnerships, including fees to prospective proponents for their participation in any qualification or award procedure or in both.

P3 Provisions Table 5: Proposals and Procurement

State/ Jurisdiction	Statutory Citation	22. Provides for multiple types of procurement	23. Requires certain qualifications for private entity	24. Explicitly exempts P3s from other state procurement laws	25. Allows public agency to hire technical and/or legal consultants	26. Provides opportunities for public comment, public hearings or other public participation
Alabama	Ala. Code §23-1-81					
	Ala. Code §§23-2-140 to 163	✓				✓[136]
Alaska	Alaska Stat. §§19.75.111 to 990				✓	
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710	✓		✓	✓	✓
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211					✓[137]
	Ark. Stat. Ann. §27-76-402 and 403					✓[138]
California	Cal. Streets & Highways Code §143	✓	✓		✓[139]	✓[140]
	Cal. Gov. Code §§5956 to 5956.10	✓		✓ (with limited exceptions)	✓	✓[141]
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5					
	Colo. Rev. Stat. §§43-1-1201 to 1209					
	Colo. Rev. Stat. §§43-4-801 to 812			✓	✓	✓[142]
	Colo. Rev. Stat. §§43-3-301 to 304					

[136] §23-2-162 requires the DOT to advertise for three weeks and conduct a public hearing in each affected county prior to building a new toll road or expanding capacity on any existing public road for tolling purposes.

[137] §27-86-203 requires public notification and a public hearing; §27-86-204 allows affected citizens to appeal.

[138] §27-76-402(c) requires voter approval of the initial imposition of tolls, including the initial toll rate, and, if revenue bonds are to be issued, the issuance of the maximum principal amount of bonded indebtedness.

[139] Inasmuch as §143(f)(1)(B) allows the DOT to use DOT employees or consultants to perform project development services and to prepare certain documents.

[140] §143(c) requires at least one public hearing.

[141] Inasmuch as §5956.6(b)(5) requires the procedure for imposing or increasing user fees or service charges to include public notification and at least one public hearing.

[142] §43-4-809(2) subjects the bridge enterprise and the high-performance transportation enterprise to the "Colorado Open Records Act" and requires their records be open to the public.

State/ Jurisdiction	Statutory Citation	22. Provides for multiple types of procurement	23. Requires certain qualifications for private entity	24. Explicitly exempts P3s from other state procurement laws	25. Allows public agency to hire technical and/or legal consultants	26. Provides opportunities for public comment, public hearings or other public participation
	Colo. Rev. Stat. §§43-3-401 to 414					
	Colo. Rev. Stat. §43-2-219					
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263	✓[143]	✓		✓	✓[144]
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012		✓[145]	✓		
Florida	Fla. Stat. Ann. §334.30		✓	✓	✓	
	Fla. Stat. Ann. §337.251					
	Fla. Stat. Ann. §338.22 to 251				✓	✓
	Fla. Stat. Ann. §343.875					
	Fla. Stat. Ann. §348.0004					
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1	✓	✓[146]			✓
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.			[147]		✓
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450					
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)					

[143] §4-258(a)-(c) states that an agency shall use, where appropriate, competitive bidding or competitive negotiation, as defined in the general statutes; includes prequalification process and invitation to bid, request for proposal or request for information.

[144] See note 82.

[145] Inasmuch as §2003(c)(1) requires a request for proposals process pursuant to Chapter 69, Title 29; within that chapter, Del. Code Ann. tit. 29, §6924 requires certain qualifications to determine the responsibility of offerors.

[146] Inasmuch as §32-2-80(a)(2) allows the DOT to include in its RFP any unique capabilities or qualifications that will be required of the contractor.

[147] §36-91-117 specifies that the P3 authority granted by this section is in addition and supplemental to, and not in substitution for, the powers conferred by any other general, special or local law.

State/ Jurisdiction	Statutory Citation	22. Provides for multiple types of procurement	23. Requires certain qualifications for private entity	24. Explicitly exempts P3s from other state procurement laws	25. Allows public agency to hire technical and/or legal consultants	26. Provides opportunities for public comment, public hearings or other public participation
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135		✓[148]	✗[149]	✓	✓
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2	✓	✓[150]	✗[151]		✓
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	✓	✓	✓	✓	✓[152]
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281					
	La. Rev. Stat. Ann. §§48:2020 to 2037	✗[153]		✗[154]	✓	✓
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	✓		✓	✓	✓
Maine	Me. Rev. Stat. Ann. tit. 23, §4251	✓				
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403		✓			✓

[148] §130/17 states that the DOT may establish a process for prequalification of offerors.
[149] §130/15(a) requires any public-private agreement entered into by the DOT to be pursuant to a competitive request or proposals process governed by the Illinois Procurement Code.
[150] Public-private agreements under this article are subject to applicable laws relating to public works in Ind. Code Ann. art. 4-13.6, art. 5-16 and chap. 36-1-12. Among other provisions, these sections address qualifications for bidders.
[151] See note 150.
[152] §§8-15.5-4-9 and 8-15.7-4-2 require a public hearing on the preliminary selection of an operator and the terms of the public-private agreement for the project, and further require certain materials to be made available online and for public inspection and copying. §8-15.5-4-13 mandates the disclosure of all proposals, except the parts that may be treated as confidential.
[153] §48:2033 states any contract awarded for a PPP shall be awarded under the same conditions, terms, requirements and provisions provided by law with respect to contracts of the state, parishes or municipalities.
[154] See note 153.

State/ Jurisdiction	Statutory Citation	22. Provides for multiple types of procurement	23. Requires certain qualifications for private entity	24. Explicitly exempts P3s from other state procurement laws	25. Allows public agency to hire technical and/or legal consultants	26. Provides opportunities for public comment, public hearings or other public participation
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	✓[155]		✓	✓[156]	
Minnesota	Minn. Stat. Ann. §§160.84 to 98					✓
Mississippi	Miss. Code Ann. §§65-43-1 to 85	✓[157]		✓		✓
Missouri	Mo. Rev. Stat. §§227.600 to 669	✓		✓[158]		✓[159]
	Mo. Rev. Stat. §§238.300 to 367					✓
Nevada	Nev. Rev. Stat. §§338.161 to 168				✓	
North Carolina	N.C. Gen. Stat. §136-28.6A					
	N.C. Gen. Stat. §§136-89.180 to 198	✓			✓	✓
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13			✗[160]		
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83	✓		✓		✓
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓		✓[161]	✓	
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	✓		✓[162]	✓	
South Carolina	S.C. Code Ann. §57-3-200					

[155] §63 requires a request for proposals and allows a request for qualifications; the request for proposals shall state the relative importance of price and other factors and sub-factors, if any, and the award is to be made to the responsible offeror whose proposal is determined to be the most advantageous to the acquiring agency based on those factors.

[156] Authorization is given earlier in the chapter, in §3, for the DOT to provide and pay for such advisory services and technical assistance as may be necessary or desired to carry out the purposes of the chapter.

[157] Inasmuch as §65-43-3(2)(b) requires the governmental entity to use a competitive procurement process that provides the best value for the governmental entity.

[158] §277.648 states project delivery methods shall include, but are not limited to, state procurement provisions.

[159] See note 10.

[160] §48-02.1-12(2) requires projects that do not involve contractor ownership to be subject to all competitive bidding and procurement requirements applicable under state and local laws, rules and ordinances for the construction, improvement, rehabilitation, operation and management of fee-based facilities,if so determined by resolution of the governing body of the public authority.

[161] With limited exceptions relating to prevailing wage and hours of labor requirements; see note 271.

[162] §9119(b) lists the sections of the state procurement statutes that apply to a public-private transportation partnership agreement.

State/ Jurisdiction	Statutory Citation	22. Provides for multiple types of procurement	23. Requires certain qualifications for private entity	24. Explicitly exempts P3s from other state procurement laws	25. Allows public agency to hire technical and/or legal consultants	26. Provides opportunities for public comment, public hearings or other public participation
	S.C. Code Ann. §§57-5-1310 to 1495					
Tennessee	Tenn. Code Ann. §54-1-119	✓				
	Tenn. Code Ann. §§54-3-101 to 113				✓[163]	✓
Texas	Tex. Transportation Code Ann. §§222.001 to 107			✗[164]		
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	✓[165]	✗[166]		✓	✓
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✓	✗		✓	✓
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	✓	✗		✓	✓

[163] §54-3-109(h) allows the state funding board to procure legal and technical advice for carrying out bonding functions.

[164] §222.1045(d) requires the private entity to comply with all laws related to procuring engineering services and construction bidding that are applicable to the public entity that selected the private entity.

[165] §222.203 requires the DOT to use only a competitive procurement process that provides the best value for the department.

[166] §223.209 requires the DOT to adopt rules that contain criteria relating to the qualifications of the participants and the award of the contracts.

State/ Jurisdiction	Statutory Citation	22. Provides for multiple types of procurement	23. Requires certain qualifications for private entity	24. Explicitly exempts P3s from other state procurement laws	25. Allows public agency to hire technical and/or legal consultants	26. Provides opportunities for public comment, public hearings or other public participation
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	Subject to chapters 223 and 366	Subject to chapters 223 and 366		Subject to chapters 223 and 366	✓
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206		✓		✓	
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120					
Virginia	Va. Code §§33.2-1800 to 1824	✓	✓	✓		✓
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290				✓	✓
West Virginia	W. Va. Code §§17-27-1 to 18					✓
Wisconsin	Wis. Stat. Ann. §84.01(30)					
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01		✓[167]			✓
Puerto Rico	9 L.R.P.A. §§2001 to 2021	✓	✓			✓
	27 L.R.P.A. §§2601 to 2623		✓[168]		✓	✓
Total		18 + P.R.	19 + D.C. and P.R.	14	18 + P.R.	22 + D.C. and P.R.

[167] §2-273.02(a) allows for pre-qualification but does not require it.

[168] §2607(b)(2) requires the Partnership Committee to evaluate potential contractors and pre-qualify those most suitable to participate.

P3 Provisions Chart 6: Funding and Finance

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
Alabama	Ala. Code §23-1-81	✓				
	Ala. Code §§23-2-140 to 163	✓	✗[169]		✓	
Alaska	Alaska Stat. §§19.75.111 to 990	✓			✓	
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710	✓	✓[170]	✗[171]	✓	✓
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211	✓	✓			
	Ark. Stat. Ann. §27-76-402 and 403	✓[172]			✓[173]	
California	Cal. Streets & Highways Code §143	✓	✓			
	Cal. Gov. Code §§5956 to 5956.10	✓	✓			
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5	✓				
	Colo. Rev. Stat. §§43-1-1201 to 1209					✓[174]
	Colo. Rev. Stat. §§43-4-801 to 812	✓			✓	
	Colo. Rev. Stat. §§43-3-301 to 304	✓	✓			
	Colo. Rev. Stat. §§43-3-401 to 414	✓				

[169] §23-2-150 specifies only that "tolls shall be so fixed and adjusted as to carry out and perform the terms and provisions of any contract with or for the benefit of bondholders." It states further that tolls shall not be subject to supervision or regulation by any other agency of the state.

[170] Inasmuch as §28-7705(A)(15) provides certain provisions, including rate formulas, which must be included in a concession agreement involving tolls.

[171] §28-7705(A)(1)(d) authorizes the department to continue or cease tolls after the end of an agreement.

[172] §27-76-402(c) requires voter approval before a regional mobility authority may establish tolls. Voter approval must be of the initial imposition and rate of tolls.

[173] Inasmuch as §27-76-402(c) requires voter approval of tolls and "if revenue bonds are to be issued by the regional mobility authority to fund all or a portion of the costs of the toll facility project, the issuance of the maximum principal amount of bonded indebtedness."

[174] Inasmuch as §43-1-1205 requires the DOT to contribute "any share of revenue or income resulting from a transportation system project, if any" into a specified supplementary fund.

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
	Colo. Rev. Stat. §43-2-219	✓				
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263	✓[175]				
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	✓	✗[176]			✓[177]
Florida	Fla. Stat. Ann. §334.30	✓				✓
	Fla. Stat. Ann. §337.251					
	Fla. Stat. Ann. §338.22 to 251	✓	✓	✗[178]	✓	
	Fla. Stat. Ann. §343.875	✓				
	Fla. Stat. Ann. §348.0004	✓				
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1	✓				
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.	✓	[179]			
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450					
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)	✓				
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135	✓				

[175] §4-259(a)(6) states that the imposition of tolls on highways must be specifically approved by the General Assembly.

[176] §2006(c) states only that, "A contracting party may establish and modify toll rates and user fees as long as the [negotiated] rate of return on investment is not exceeded."

[177] §2006(e) allows any revenues in excess of the negotiated maximum rate of return to be paid to one or more entities, including to state funds or agencies.

[178] §338.232 states that, after revenue bonds have been paid, the turnpike system shall remain subject to tolls sufficient to pay for maintenance, repair, improvement and operation.

[179] §36-91-115(3) requires P3 agreements to include how rates can be changed.

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2					✓
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	✓	[180]	✗[181]	✓	✓
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281	✓	✓	✗[182]	✓	
	La. Rev. Stat. Ann. §§48:2020 to 2037	✓		✗[183]	✓	
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	✓			✓	
Maine	Me. Rev. Stat. Ann. tit. 23, §4251	✓				✓
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403	✓[184]				✓[185]

[180] §8-15-3-24 allows the DOT to specify the times or conditions under which an increased toll will be imposed. §§8-15.5-7-1 and 8-15.7-5-2 allow the Indiana Finance Authority and the DOT, respectively, to provide for increases or decreases of user fees based on factors that those entities consider appropriate, with certain exceptions.

[181] §8-15-2-19 and §8-15.5-7-7 explicitly allow tolls to be continued after the date of the payment of the principal of and interest on bonds issued for the construction of that project.

[182] §48:1273 permits the Department of Transportation and Development to continue the collection of tolls after all debts have been repaid. The toll revenues may be used to pay for the cost of maintenance, repair and operation. In addition, the revenues may be pledged to the payment of any bonds issued under this chapter.

[183] §48:2036 permits the state, parishes and municipalities to continue the collection of tolls after bond debt is paid and the transportation asset is handed over to the public entity.

[184] Inasmuch as §10A-401(a)(2) requires, when applicable, PPP agreements to include a provision regarding the methods and terms for setting and adjusting tolls, fares, fees and other charges related to the public infrastructure asset.

[185] Inasmuch as §10A-401(a)(3) requires, when applicable, PPP agreements to include a provision regarding the method and terms for revenue-sharing or other sharing in fees or charges.

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	[186]	[187]		✓[188]	✓[189]
Minnesota	Minn. Stat. Ann. §§160.84 to 98	✓		✗[190]	✓	
Mississippi	Miss. Code Ann. §§65-43-1 to 85	✓		[191]	✓	✓
Missouri	Mo. Rev. Stat. §§227.600 to 669	✓	✓			✓[192]
	Mo. Rev. Stat. §§238.300 to 367	✓			✓	
Nevada	Nev. Rev. Stat. §§338.161 to 168	✗[193]	(N/A)	(N/A)	(N/A)	
North Carolina	N.C. Gen. Stat. §136-28.6A					
	N.C. Gen. Stat. §§136-89.180 to 198	✓		✓	✓	
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13	✓[194]		✗[195]		
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83	✓				
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓			✓	

[186] §64 allows the DOT to negotiate the terms of the agreement, including whether user fees will be collected on the transportation facility and the basis by which such user fees shall be determined and modified.
[187] See note 186.
[188] Authorization to issue bonds payable solely from turnpike revenues is given earlier in the chapter; in §3(15), §67 allows bonds to be paid with other funds available to the department for such purposes.
[189] Inasmuch as §73 allows the Public-Private Partnership Infrastructure Oversight Commission to report on issues of profit-sharing related to a request for proposals.
[190] §160.87(3) explicitly permits a road authority to continue to charge tolls after a lease expires.
[191] §65-43-3(3) requires the termination of tolls upon the termination, expiration or rescission of the contracts, but it does not require the removal of tolls when debt is paid back.
[192] Inasmuch as §227.645 allows the commission and the private partner to use any and all revenues that may be available to them.
[193] §338.161 explicitly excludes toll roads and toll bridges from the definition of a transportation facility; §338.166(5)(c) permits an agreement to impose rates, fees or other charges except on a road or bridge.
[194] Inasmuch as §48-02.1-10 permits development agreements to authorize private operators to impose a fee-based charge for the use of the facility.
[195] §48-02.1-10 permits the public authority to continue to charge a fee for the use of the facility after expiration of a lease.

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	✓				✓[196]
South Carolina	S.C. Code Ann. §57-3-200	✓				
	S.C. Code Ann. §§57-5-1310 to 1495	✓			✓	
Tennessee	Tenn. Code Ann. §54-1-119					
	Tenn. Code Ann. §§54-3-101 to 113	✓		✓[197]	✓	
Texas	Tex. Transportation Code Ann. §§222.001 to 107	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	[198]	[199]		✓[200]	✓[201]
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✗	✗			✓

[196] Inasmuch as §9110(f)(2) requires an agreement to "establish circumstances under which the proprietary public entity may receive a share of revenues from charges."

[197] Inasmuch as §54-3-104(c) authorizes the commissioner of transportation to set tolls and collect such tolls "until such time as the bonds are no longer outstanding under the resolution of indenture providing for the issuance of bonds."

[198] §223.208 allows the DOT to negotiate the terms of the agreement, including reasonable methods to determine and classify toll rates and responsibility for the setting of tolls. It also requires the private participant to submit to the DOT for approval a methodology for setting, increasing and collecting tolls.

[199] See note 198.

[200] §§228.101 et seq. allow the Transportation Commission to issue toll revenue bonds if approved by the attorney general.

[201] Inasmuch as §223.208 allows the DOT to negotiate methods to determine the applicable cost, profit and project distribution among the private participants and the DOT.

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	✗	✗			✓
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	✗[202]	✗	✓[203]	✓	Subject to chapters 223 and 366
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206	✓				✓
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120	✓	✓			✓
Virginia	Va. Code §§33.2-1800 to 1824	✓				✓
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290	✓			✓	✓[204]
West Virginia	W. Va. Code §§17-27-1 to 18	✓	✓			
Wisconsin	Wis. Stat. Ann. §84.01(30)					
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01	✓	✓			
Puerto Rico	9 L.R.P.A. §§2001 to 2021	✓	✓		✓	

[202] According to §284.064, if a county enters into an agreement with a person that includes the collection by the person of tolls, the person must submit to the county for approval a methodology for setting, increasing and collecting tolls.

[203] §284.008 requires a project to become part of the state highways system and be maintained without tolls after all debts have been paid; however, it allows for a county to request the road not be added to the state highway system and continue operation under the county's jurisdiction.

[204] Inasmuch as §47.29.240 allows the state to use revenues in the transportation innovative partnership subaccount to ensure the repayment of loan guarantees or extensions of credit made to or on behalf of private entities.

State/ Jurisdiction	Statutory Citation	27. Addresses tolling and rate-setting authority	28. Sets how and when rates can be changed	29. Requires removal of tolls after debt is repaid	30. Allows public sector to issue toll revenue bonds	31. Explicitly allows revenue-sharing
	27 L.R.P.A. §§2601 to 2623	✓				
Total		29 + D.C. and P.R.	9 + D.C. and P.R.	3	18 + P.R.	15

P3 Provisions Table 7: Funding and Finance

State/ Jurisdiction	Statutory Citation	32. Limits use of revenues from P3 projects	33. Explicitly allows combination of local, state, federal and/or private funds for P3s	34. Explicitly allows use of TIFIA for P3s	35. Exempts P3 from leasehold, property or ad valorem taxes
Alabama	Ala. Code §23-1-81				✗[205]
	Ala. Code §§23-2-140 to 163	✓[206]	✓		✓[207]
Alaska	Alaska Stat. §§19.75.111 to 990		✓	✓	✓
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710		✓	✓	✓
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211				
	Ark. Stat. Ann. §27-76-402 and 403				
California	Cal. Streets & Highways Code §143	✓	[208]	[209]	✓[210] (with limited exceptions)
	Cal. Gov. Code §§5956 to 5956.10	✓	✓		
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5	✓			
	Colo. Rev. Stat. §§43-1-1201 to 1209	✓			
	Colo. Rev. Stat. §§43-4-801 to 812	✓			
	Colo. Rev. Stat. §§43-3-301 to 304				
	Colo. Rev. Stat. §§43-3-401 to 414	✓			

[205] §23-1-81(d) states that, after a license is issued, "no further license, tax or fee may be imposed by any governmental body or agency." Courts have held that this provision applies only to taxes dealing with the actual licensing, and does not clearly express legislative intent to exempt operators of toll roads and toll bridges from ad valorem taxes (856 So.2d 826 [Ala.Civ.App.2002], 856 So.2d 834 [Ala.2003).

[206] Only inasmuch as §23-2-150 subjects the use and disposition of tolls and revenues to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the bond issue.

[207] Inasmuch as §23-2-153 exempts the authority's property and revenues from taxes; the section, however, does not explicitly refer to PPPs.

[208] Not explicitly provided for in statute; however, well-documented instances of the combination of federal, local and state funds have been used on multiple projects, including the use of TIFIA. See OIPD's website for more information at http://www.fhwa.dot.gov/ipd/tifia/projects_project_profiles/.

[209] See note 208.

[210] Note, however, that a 2011 bankruptcy court decision concerning the South Bay Expressway found that, as an issue of first impression, the provision in §143(o) by which privately owned leases of public transportation demonstration facilities were classified as "public property" so as to relieve leases from burdens of taxation, was facially unconstitutional (455 B.R. 732, 55 Bankr. Ct. Dec. 32). The court also held that the application of the tax exemption statute was not retrospective.

State/ Jurisdiction	Statutory Citation	32. Limits use of revenues from P3 projects	33. Explicitly allows combination of local, state, federal and/or private funds for P3s	34. Explicitly allows use of TIFIA for P3s	35. Exempts P3 from leasehold, property or ad valorem taxes
	Colo. Rev. Stat. §43-2-219				
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263		✓[211]		✓[212]
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	✓	✓	✓[213]	
Florida	Fla. Stat. Ann. §334.30	✓		✓	✓
	Fla. Stat. Ann. §337.251				
	Fla. Stat. Ann. §338.22 to 251	✓	✓		✓[214]
	Fla. Stat. Ann. §343.875				
	Fla. Stat. Ann. §348.0004				
Georgia	Ga. Code Ann. §32-2-41(b)(6;) Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1		✓	✓	✓
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.				
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450				
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)			✓[215]	
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135		✓	✓	
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2	✓			

[211] §4-255(a)(3), however, limits state support of a partnership agreement to 25 percent of the cost of the project.

[212] §4-263 provides an exemption from municipal property tax only.

[213] Inasmuch as §2001(f) authorizes the department to "take full advantage of every financing opportunity and mechanism provided by federal legislation, including transportation legislation facilitating federal financing or grants..."

[214] §338.234 exempts the turnpike enterprise or any nongovernmental lessee from commercial rental tax impose under state law.

[215] Inasmuch as §5/10-802(7) allows municipalities to borrow money and to accept grants or loans from the U.S. government.

State/ Jurisdiction	Statutory Citation	32. Limits use of revenues from P3 projects	33. Explicitly allows combination of local, state, federal and/or private funds for P3s	34. Explicitly allows use of TIFIA for P3s	35. Exempts P3 from leasehold, property or ad valorem taxes
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	✓	✓	✓	✓
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281	✓			✓
	La. Rev. Stat. Ann. §§48:2020 to 2037			✓[216]	
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15		✓		✓
Maine	Me. Rev. Stat. Ann. tit. 23, §4251				
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403		✓	✓[217]	
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73		✓	✓[218]	✓[219]
Minnesota	Minn. Stat. Ann. §§160.84 to 98	✓	✓[220]	✓[221]	
Mississippi	Miss. Code Ann. §§65-43-1 to 85	✓			
Missouri	Mo. Rev. Stat. §§227.600 to 669		✓[222]	✓[223]	
	Mo. Rev. Stat. §§238.300 to 367	✓			✓

[216] Inasmuch as §48:2029(14) allows an authority to apply for, receive and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value.

[217] Inasmuch as §10A-103(d) allows any combination of federal, state or local funds, grants, loans, debt or other public sources of funding or financing to be used for PPPs.

[218] Inasmuch as §68 allows the DOT to accept any federal funds made available by grant, loan or other financial assistance.

[219] Inasmuch as §27 earlier in the chapter exempts the lands and tangible property of the DOT from taxation. Issues of taxation, however, are one of the issues that can be reported upon by the Public-Private Partnership Infrastructure Oversight Commission in relation to a request for proposals (§73).

[220] Inasmuch as §160.85(4)(b) allows a private operator to assemble funds from any available source.

[221] See note 220.

[222] Inasmuch as §227.645 allows the commission to take any action to obtain federal, state or local government or private sector assistance for the project.

[223] See note 222.

State/ Jurisdiction	Statutory Citation	32. Limits use of revenues from P3 projects	33. Explicitly allows combination of local, state, federal and/or private funds for P3s	34. Explicitly allows use of TIFIA for P3s	35. Exempts P3 from leasehold, property or ad valorem taxes
Nevada	Nev. Rev. Stat. §§338.161 to 168		✓[224]	✓[225]	
North Carolina	N.C. Gen. Stat. §136-28.6A				
	N.C. Gen. Stat. §§136-89.180 to 198	✓	✓	✓[226]	✓
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13	✓	✓		✓ (with approval)[227]
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83		✓	✓	✓
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓	✓	✓	✓[228]
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124		✓	✓	✓
South Carolina	S.C. Code Ann. §57-3-200				
	S.C. Code Ann. §§57-5-1310 to 1495	✓			
Tennessee	Tenn. Code Ann. §54-1-119				
	Tenn. Code Ann. §§54-3-101 to 113	✓[229]	✓	✓[230]	
Texas	Tex. Transportation Code Ann. §§222.001 to 107	(N/A)	✓[231]	✓[232]	

[224] Inasmuch as §338.168 allows costs of a transportation facility to be paid from the proceeds of a grant or loan made by the local, state or federal government or any agency on instrumentality thereof.

[225] See note 224.

[226] Inasmuch as §136-89.183(a)(9) permits the Authority to apply for, accept and administer loans and grants of money or real or personal property from any federal agency.

[227] §48-02.1-12 requires the governing body of the city or county where a fee-based facility is located to approve the exemption from ad valorem taxes.

[228] §383.017 exempts tollway projects from ad valorem property taxation only.

[229] Inasmuch as §54-3-105 requires toll revenues to be deposited in the state tollway fund and specifically sets out for what the state tollway fund may be used.

[230] §54-3-104(b) allows the DOT to expend any funds, grants or loans received from or made available by the federal government.

[231] §222.001 prohibits the state DOT from pledging or otherwise encumbering money in the state highway fund to guarantee a loan obtained by, or insure bonds issued by, a public or private entity for costs associated with a toll facility. §222.103 allows the DOT to otherwise spend money from any available source to participate in the cost of the acquisition, construction, maintenance or operation of a toll facility of a public or private entity, on terms and conditions established by the Transportation Commission.

[232] Only inasmuch as the state DOT may spend money from any available source; see note 231.

State/ Jurisdiction	Statutory Citation	32. Limits use of revenues from P3 projects	33. Explicitly allows combination of local, state, federal and/or private funds for P3s	34. Explicitly allows use of TIFIA for P3s	35. Exempts P3 from leasehold, property or ad valorem taxes
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	✓[233]	✓[234]		✗[235]
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✓[236]	✓		
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153		✓		
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	✓[237]	✓[238]		✓
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206				
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120	✓			
Virginia	Va. Code §§33.2-1800 to 1824		✓	✓	

[233] §§228.005 et seq. require revenues to be used for transportation or air quality projects in the region where the project is located, and require the distribution of revenues based on the percentage of toll revenue from users in each DOT district.
[234] §223.202, however, limits the DOT's total financial participation in comprehensive development agreements to 40 percent of the obligation authority under the federal-aid highway program that is distributed to the state for that fiscal year.
[235] §223.206 states that a highway asset or toll project used or leased by a private entity for a commercial purpose is not exempt from ad valorem taxes.
[236] §366.409 limits the use of contract payments to the construction, maintenance or operation of a turnpike project or highway, distributed to counties based on the percentage of toll revenue from users from each county.
[237] §284.0031 allows a county to authorize the use of surplus revenue for the study, design, construction, maintenance, repair or operation of roads, streets, highways or other related facilities that are not part of a project under this chapter.
[238] §284.003, however, requires the DOT to approve the use of any state or federal highway funds.

State/ Jurisdiction	Statutory Citation	32. Limits use of revenues from P3 projects	33. Explicitly allows combination of local, state, federal and/or private funds for P3s	34. Explicitly allows use of TIFIA for P3s	35. Exempts P3 from leasehold, property or ad valorem taxes
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290	✓	✓	✓	
West Virginia	W. Va. Code §§17-27-1 to 18		✓	✓[239]	✓
Wisconsin	Wis. Stat. Ann. §84.01(30)				
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01		✓		
Puerto Rico	9 L.R.P.A. §§2001 to 2021	✓	✓	✓	✓
	27 L.R.P.A. §§2601 to 2623			✓	✓
Total		18 + P.R.	26 + D.C. and P.R.	22 + P.R.	18 + P.R.

[239] Inasmuch as §17-27-10 permits the use of federal assistance and the use of proceeds of a grant or loan made by the federal government.

P3 Provisions Table 8: Other

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
Alabama	Ala. Code §23-1-81					Authority of Department of Conservation and Natural Resources regarding placement of bridges on state land
	Ala. Code §§23-2-140 to 163					Availability payments or "pass-through" tolling; bond issuance, forms and procedures; rules and regulations governing use of toll roads; law enforcement; annual reporting; conflict of interest; transfer of project to state highway system upon retirement of debt or expiration of leases, concessions or other agreements
Alaska	Alaska Stat. §§19.75.111 to 990					Powers and duties of the authority; law enforcement and liability for payment of tolls; eminent domain; bonds; funds and reserves; annual audit; insurance
Arizona	Ariz. Rev. Stat. Ann. §§28-7701 to 7710	✓[240]	✓			Rules and guidelines; data privacy; eminent domain; law enforcement; application of federal law
Arkansas	Ark. Stat. Ann. §§27-86-201 to 211					State of good repair; privileges exclusive against other persons; eminent domain and condemnation authority; counties jointly granting privilege
	Ark. Stat. Ann. §27-76-402 and 403					(N/A)
California	Cal. Streets & Highways Code §143	✓[241]		✓[242]	✓	Performance objectives; requirement to address known forecast demand; DOT responsibilities for state highway projects; public services to private entities for reimbursement; required public inspection and accountability to standards; compliance with DOT standards for state transportation projects; part of state highway system for purposes of identification, maintenance, traffic enforcement, etc.; annual reporting

[240] See §28-7705(A) for a list of provisions required in PPP agreements.

[241] Specified provisions include reversion of the facility to the public sector; design-build authorization; toll or user fee authority and rates; indemnity, defense and hold harmless provisions; performance standards and other requirements; and a requirement to provide information requested by the California Transportation Commission or legislative analyst.

[242] §143(h)(4) requires the contracting entity or lessee to have evidence of workers' compensation experience, history and a worker safety program that is acceptable to the DOT or regional transportation agency. §143(h)(5) requires the disclosure of any violations of Part 1 of Division 5 of the Labor Code or the federal Occupational Safety and Health Act of 1970 during the last five years.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
	Cal. Gov. Code §§5956 to 5956.10	✓[243]			✓[244]	Public services to private entities for reimbursement; reimbursement disputes; compliance with governmental design standards; part of state highway system for purposes of identification, maintenance, traffic enforcement, etc.
Colorado	Colo. Rev. Stat. §§44-3-202 to 202.5				✓	Liability insurance
	Colo. Rev. Stat. §§43-1-1201 to 1209					Eminent domain; rules; applicability of state and federal laws; notice of investment opportunities
	Colo. Rev. Stat. §§43-4-801 to 812			✓[245]		Surcharges and fees; creation of state bridge enterprise; selling and leasing of state buildings; creation of high-performance transportation enterprise; transportation demand management contracts; bonds; toll enforcement and evasion rules; funding for local transit grants; military deployment in regard to surcharges and fees; state may create nonprofit to issue debt
	Colo. Rev. Stat. §§43-3-301 to 304					Toll enforcement; toll collection and evasion; administrative toll enforcement process; aggregate amount of penalties; tolls on rental/leased cars; toll roads kept in repair
	Colo. Rev. Stat. §§43-3-401 to 414					Rules and regulations for operation; vesting powers in transportation commission
	Colo. Rev. Stat. §43-2-219					
Connecticut	Conn. Gen. Stat. Ann. §§4-255 to 263	✓[246]	✓	✓[247]	✓	Sovereign immunity; compliance with state environmental policy requirements, the set-aside program for small contractors, and any applicable state or local permitting or inspection requirements; condemnation; termination
Delaware	Del. Code Ann. tit. 2, §§2001 to 2012	✓[248]		✓[249]		Ownership and lease of project transportation systems; reimbursement for services rendered by state agencies; liability coverage; indemnification; operation of toll facility; plans and specifications;

[243] Specified provisions include reversion of the facility to the public sector; provisions to ensure compliance with the California Environmental Quality Act; construction security; protection of revenue streams; adequate private entity financial resources; fee rate-setting procedures; good operating condition; required annual audited report; buy-back provision; indemnity; insurance; and dispute resolution. See §5956.6(b) for a list of provisions to be included in PPP agreements.

[244] Inasmuch as §5956.6(b)(9) specifies that agreements must provide for buyout of the private entity by the governmental entity in case of default or termination.

[245] §43-4-809(5) requires all labor standards that apply to the DOT to apply to the bridge enterprise and the high-performance transportation enterprise.

[246] §4-259(a) lists numerous provisions to be included in the agreement, and §4-259(b) states that no agreement shall contain noncompete provisions.

[247] §4-261(a) subjects PPPs to prevailing wage requirements or the rate established by a project labor agreement.

[248] Agreements must address liability insurance coverage; maximum rate of return; and allowable uses of revenues. §2005 stipulates additional provisions that may be contained in the agreements.

[249] §2003(f) subjects PPPs to federal or state prevailing wage requirements and state law concerning discrimination in employment.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
						Public-Private Initiatives Program Revolving Loan Fund
Florida	Fla. Stat. Ann. §334.30		✓			Compliance with federal, state and local laws; eminent domain
	Fla. Stat. Ann. §337.251					Eminent domain; indemnification of the DOT; adoption of rules
	Fla. Stat. Ann. §338.22 to 251		✓			Environmental feasibility; taking of public road; Western Beltway turnpike project; bonds not debts; pledge to not restrict certain rights of DOT; contracts for services on the turnpike system; municipal signs on turnpike system; traffic control; cash reserve requirement; Central Florida Beltway mitigation
	Fla. Stat. Ann. §343.875					Compliance with federal, state and local laws; eminent domain
	Fla. Stat. Ann. §348.0004					Construction of expressways; use of gasoline tax; compliance with federal, state and local laws; eminent domain
Georgia	Ga. Code Ann. §32-2-41(b)(6); Ga. Code Ann. §§32-2-78 to 80; Ga. Code Ann. §48-5-41; Ga. Code Ann. 48-5-421.1					Commissioner may create a Public-Private Initiatives Division of the DOT; resolution of contract issues; public-private transportation projects not special franchise
	Ga. Code Ann. §§36-91-110 et seq.; §§50-5C-1 et seq.	✓[250]			✓	Eminent domain; sovereign immunity
Illinois	Ill. Rev. Stat. ch. 20, §2705/2705-450					Cost to be borne in a proportion that the parties may determine by agreement or contract
	Ill. Rev. Stat. ch. 605, §5/10-802; Ill. Rev. Stat. ch. 605, §5/10-602(4)(1)					Intergovernmental agreements for toll collection services
	Ill. Rev. Stat. ch. 605, §§130/1 to 130/135	✓[251]	✓[252]	✓[253]	✓	Interim agreements; termination of the public-private agreement; proceeds; user fees; selection of design firm; other contracts; planning for the Illiana Expressway project; monthly reports to the Procurement Policy Board; DOT publication requirements; electronic toll collection systems; property acquisitions; standards for the Illiana Expressway project; law enforcement; term of agreement and reversion of property; additional

[250] §36-91-115 list specific provisions to be included in a comprehensive agreement entered into by a local government.

[251] §130/25 lists specific provisions to be included in a public-private agreement for the Illiana Expressway.

[252] §130/75 requires independent audits of any and all traffic and cost estimates and a review of all public costs and potential liabilities, if a public-private agreement for the Illinana Expressway is estimated to exceed $50 million.

[253] §130/100 sets labor requirements for a public private agreement.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
						powers of DOT; prohibited local action; full and complete authority
Indiana	Ind. Code Ann. §§5-23-1-1 to 5-23-7-2	✓[254]		✓[255]		Other applicable laws relating to public works; agreement termination by the board of the public agency; payment to parties upon termination; records of operation; inspection and copying of operator records
	Ind. Code Ann. §§8-15-1-1 to 8-15-3-35; §§8-15.5-1-1 to 8-15.5-13-8; §§8-15.7-1-1 to 8-15.7-16-8; §§8-23-7-22 to 25	✓[256]	✓[257]	✓[258]		Additional powers; toll road succeeding lien bonds; trust agreements securing bond issue; appropriations distributed or paid to development authority; tolling violations and penalties; additional powers related to bonds; acquisition of property; sale, transfer or conveyance of property; law enforcement; electronic tolling; size and weight violations; authority to exercise statutory powers; financing of obligations; application of gross retail and use tax; dispute resolution; establishment and use of Toll Road Fund; prohibited local action; prohibited political contributions; takeover of qualifying project after termination or expiration; agreements with multiple private entities; memoranda of understanding; taxation of income; debt financing powers; reversion of property to state; legalization and validation of actions with respect to certain P3 agreements before March 15, 2006; limitations on actions; agreements with multiple private entities; exercise of delegated powers

[254] Agreements may include operator responsibilities; lease of the public facility and the real property upon which it is located to the operator for a predetermined period; how the operator will be compensated, within certain restrictions; how the governmental entity will be paid for operation and use of the facility, which may be by a percentage of gross revenues; performance bonds; or the payment of contractors and subcontractors under other statutory requirements. Agreements must provide for which costs are the responsibility of the operator and of the governmental body, and for ownership of all improvements by the governmental body unless the body elects to provide for ownership by the operator during the term of the agreement. In that case, ownership reverts back to the governmental body upon termination of the agreement.

[255] §§5-23-3-3 and 5-23-4-2 require payment of the common construction wage for the construction of a public facility with public funds.

[256] §8-15.5-5-2 lists provisions that must be included in a public-private agreement. §8-15.5-5-3 describes other provisions that an agreement may provide. §§8-15.7-5-1 and 8-15.7-5-1.5 address what provisions must or may be contained in agreements entered into under that article.

[257] §§8-15.5-4-1.5 and 8-15.7-4-1 require a preliminary feasibility study and an economic impact study for projects involving tolls, both of which must be submitted to the budget committee for its review before commencement of the procurement process. Copies of the economic impact study must be posted online and provided to the governor and the Legislative Council, and public hearings must be held both before and after the studies are completed, in the county in which the proposed project would be located.

[258] §§8-15.5-6-2 and 8-15.7-6-2 require payment of the common construction wage for the Illiana Expressway or a PPP entered into after April 30, 2011. §8-15.7-3-5 requires the state DOT to facilitate the participation of small, minority, women's, disadvantaged and Indiana businesses in qualifying projects. §8-15.5-6-3 subjects the operator and any contractor or subcontractor to the same.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
Louisiana	La. Rev. Stat. Ann. §§48:1251 to 1281					Incidental powers; cooperation of parishes; consent of state to use its land; eminent domain; taking of public roads; bonds not debt of state; non-restriction of certain rights of authority; expressway revenue bonds; trust agreement; refunding bonds; trust funds; remedies; bonds eligible for investment; maintenance and repair of expressway project; traffic control; certificated motor carriers; conflict of interest; preliminary and other expenses; audit of books and accounts; meeting minutes; additional method; special provisions relating to West Bank segment
	La. Rev. Stat. Ann. §§48:2020 to 2037					Liability; directors of authority; compensation of directors; conflict of interest; right of public agencies to material; state-designated projects; acquisition of lands and property; public utilities; bonds; chapter supplemental and liberal construction; privately owned and financed tollways
	La. Rev. Stat. Ann. §§48:2071 to 2074; La. Rev. Stat. Ann. §48:2077; La. Rev. Stat. Ann. §§48:2084 to 2084.15	✓[259]			✓	Creation of the Louisiana Transportation Authority; adoption of guidelines; dedication of public property; acquisition of project; utility crossings; police powers and violations of laws; dedication of assets; multimodal transportation facilities; limitations and port facilities
Maine	Me. Rev. Stat. Ann. tit. 23, §4251	✓[260]	✓[261]		✓	Eminent domain; rules and regulations
Maryland	Md. State Finance and Procurement Code Ann. §§10A-101 to 403	✓[262]	✓	✓[263]		Compliance with other provisions; construction with minority business enterprise program; performance and payment security

[259] §48:2084.6 lists provisions to be included in comprehensive agreements.

[260] For projects involving tolls; §4521(6) requires agreements involving tolls to contain specific provisions.

[261] Inasmuch as §4521(4)(d) requires a proposal to be cost-effective in the long-term and (f) requires a private entity to conduct a traffic and revenue study for proposals involving tolls.

[262] §10A-401 lists provisions which, when applicable, shall be included in a PPP agreement.

[263] §10A-102(b) requires private entities entering into PPPs to comply with the Labor and Employment Article and the Federal Fair Labor Standards Act.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
Massachusetts	Mass. Gen. Laws Ann. ch. 6C, §§62 to 73	✓[264]	✓[265]	✓[266]	✓	End of term or termination of public-private agreement; eminent domain; law enforcement; sovereign immunity
Minnesota	Minn. Stat. Ann. §§160.84 to 98					Right-of-way acquisition; application of other law; law enforcement; joint authority of toll facilities; toll facility replacement projects
Mississippi	Miss. Code Ann. §§65-43-1 to 85					Construction and maintenance standards; eminent domain; state of emergency; traffic laws; tortuous acts; nonpayment of toll; bonding; legal investments; tax exemption; use of proceeds; warrants of payments; administrative adjudication; appeals; affidavit of nonliability; contracts for collection.
Missouri	Mo. Rev. Stat. §§227.600 to 669				✓	Interim agreements; final approval; termination of negotiations; private partner requirements; delegation of powers; revenues exempt from tax; disadvantaged business enterprise participation plan; lease of right-of-ways; condemnation of lands; toll enforcement methods; tort liability claims
	Mo. Rev. Stat. §§238.300 to 367				✓	Articles of incorporation; corporation's board members, bylaws and indebtedness; power to purchase property; condemnation; general powers of corporations; indemnification of directors; commission assistance; rules; regulation of projects; transfer of projects; payment, violation and collection of tolls
Nevada	Nev. Rev. Stat. §§338.161 to 168	✓[267]	✓			
North Carolina	N.C. Gen. Stat. §136-28.6A					DOT costs; project standards; pilot program; policies and rules

[264] Required provisions include the private entity's responsibilities; the term length; the type of property interest the private entity shall have in the facility; DOT actions to ensure proper maintenance; user fees; compliance with applicable laws; grounds for termination; procedures for amendment; review and approval of the operator's plans; inspections; liability insurance; financial statements; traffic and other reports; financing obligations; apportionment of expenses; rights and duties; rights and remedies available in the event of default or delay; indemnification; subcontracting or other delegation of responsibilities; sale or lease to the operator of private property; cost sharing; allocation of financial responsibility; liability or incentives related to performance; accounting and auditing standards; payment bond; payment of prevailing wages; labor harmony; traffic enforcement and other policing issues; and other terms and conditions.

[265] §73 requires the Public-Private Partnership Infrastructure Oversight Commission to provide a report on issues surrounding a request for proposal, including the anticipated advantages of entering into the anticipated agreement.

[266] §63 requires PPP proposals to be in full compliance with state labor and wage laws, and §64 subjects PPPs to prevailing wage requirements and requires the private operator to submit plans for labor harmony for the entire term of the agreement.

[267] §338.166(5) requires an agreement to contain certain provisions that are laid out in that subsection.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
	N.C. Gen. Stat. §§136-89.180 to 198					Legislative findings; creation of North Carolina Turnpike Authority; eminent domain; Currituck County Toll Bridge Pilot Program; Herbert C. Bonner Bridge Replacement Project; Yadkin River Veterans Memorial Bridge Replacement Project; acquisition of real property; Authority subject to state auditor; bonds; DOT cost participation; Transportation Investment Formula applicability; annual plan of works and reports; motor vehicle laws
North Dakota	N.D. Cent. Code §§48-02.1-01 to 13	✓[268]				Right-of-way acquisition; application of other law; powers of public authority; joint authority; relation to other law
Ohio	Ohio Rev. Code Ann. §§5501.70 to 83	✓[269]			✓	Binding dispute resolution; authority and duties upon termination; issuance of obligations; appropriation of property; powers of law enforcement; utility cooperation; sovereign immunity; rules and regulations
Oregon	Or. Rev. Stat. §§367.800 to 826; §§383.001 to 075	✓[270]		✓[271]		State Transportation Enterprise Fund; use of money from Oregon Transportation Infrastructure Fund; use of eminent domain; advisory committees; applicability of federal laws; rules and regulations; State Tollway Account; standards for tollway systems; toll violations and penalties
Pennsylvania	Pa. Cons. Stat. Ann. tit. 74, §§9101 to 9124	✓[272]		✓[273]	✓[274]	Environmental costs; use of intellectual property; police powers and violations of law; environmental and other authorizations; eminent domain; sovereign immunity; specific performance; applicability of other laws; adverse interests; public-private transportation account; rules and regulations
South Carolina	S.C. Code Ann. §57-3-200					

[268] §48-02.1-09 requires an agreement to contain certain provisions that are laid out in that section.

[269] §5501.73(B) lists provisions that must be in a public-private agreement.

[270] §367.806 contains specific provisions that must be included in PPP agreements. §383.010 requires tollway-specific agreements to provide for the DOT to take possession of a tollway if an event occurs that seriously jeopardizes or impairs its continued availability and operation; §383.019 requires such agreements to address maintenance standards and hand-back conditions, and to establish a trust fund to ensure that adequate funds will be available for maintenance and repair.

[271] §367.806(5) subjects PPPs to prevailing wage and hours of labor requirements if public money is used to pay any construction costs; §383.017 likewise subjects tollway projects to prevailing wage requirements if public funds are involved. §383.017 requires the DOT to consider the extent to which small businesses will be involved as one of the evaluation criteria in a competitive process for the award of a tollway project contract, and allows the DOT to grant any small business a bid advantage in a bidding process for a concession.

[272] §9110(a) lists provisions that must be included in a public-private transportation partnership agreement.

[273] §9110(a)(19) obligates the private entity to offer employment to any employees laid off due to the transfer of a facility in public-private transportation partnership, and sets standards for such re-employment.

[274] §9110(a)(7) requires a public-private transportation partnership agreement to include "the rights and remedies available in the event of breach, default or delay.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
	S.C. Code Ann. §§57-5-1310 to 1495					Feasibility study; request of issuance of bonds; power and duty of state board; authority to issue bonds; interest, maturity, redemption, sale, execution, application, denomination, form of and resolution of bonds; tax exemption of bonds; power and duty of governor; lawful investments in bonds; penalty for failure to pay toll; collection of tolls
Tennessee	Tenn. Code Ann. §54-1-119					The DOT may establish rules and regulations
	Tenn. Code Ann. §§54-3-101 to 113		✓			Environmental evaluations; rules and regulations; traffic laws; bonds; appropriations and expenditures
Texas	Tex. Transportation Code Ann. §§222.001 to 107					State infrastructure bank; transportation reinvestment zones (tax increment financing)
	Tex. Transportation Code Ann. §91.054; §§223.201 to 210; chap. 228; §§371.001 to 153	✓[275]	✓[276]			Performance and payment security; ownership of highway; liability for private obligations; termination; rules, procedures and guidelines governing selection and negotiating process
	Tex. Transportation Code Ann. §§366.401 to 409 (similar in many respects to chap. 223); §§371.001 to 153	✓[277]				Performance and payment security; ownership of turnpike projects; liability for private obligations; rules, procedures and guidelines governing selection and negotiating process

[275] Agreements must address methods to determine cost, profit and project distribution; tolling rates and responsibilities; and other applicable standards, expenses and costs. They also may include any provision that the DOT considers appropriate, including provisions for the purchase of the private entity's interest by the DOT; the payment of obligations; the private entity's right to operate and collect revenue from the project; and termination payments.

[276] §223.201 requires the DOT, before entering into a comprehensive development agreement, to complete a full financial plan, including costing methodology and cost proposals, and present it to the Transportation Commission.

[277] Agreements must address methods to determine cost, profit and project distribution; tolling rates and responsibilities; and other applicable standards, expenses and costs. They also may include any provision the authority considers appropriate, including terms similar to those addressed in note 275.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
	Tex. Transportation Code Ann. §§370.305 to 317 (similar in many respects to chap. 223); §§371.001 to 153	✓[278]				Performance and payment bonds and security; ownership of transportation projects; liability for private obligations; rules, procedures and guidelines governing negotiating process
	Tex. Transportation Code Ann. chap. 284 (subject to chap. 223 and chap. 366); §§371.001 to 153	Subject to chapters 223 and 366		✓[279]		Other provisions relating to county transportation projects, including general provisions; bond provisions; construction and operation; tolls and charges
Utah	Utah Code Ann. §63G-6-503; Utah Code Ann. §§72-6-201 to 206	✓[280]				Minimum requirements for proposals
	Utah Code Ann. §72-6-118; Utah Code Ann. 72-2-120					DOT to create rules for collection and implementation of tolls; Tollway Special Revenue Fund created
Virginia	Va. Code §§33.2-1800 to 1824	✓[281]	✓[282]		✓	Service contracts; dedication of public property; interim agreements; multiple public entities; financing; condemnation; utility crossings; police powers; dedication of assets; sovereign immunity; prohibition of contributions and gifts; preservation of Virginia Highway Corporation Act of 1988; establishing public interest
Washington	Wash. Rev. Code Ann. §§47.29.010 to 290	✓[283]	✓	✓[284]		Phasing out old P3 chapter, Wash. Rev. Code Ann. §§47.46 et seq.; environmental impact study; advisory committee; government agreements; eminent domain; study and report; federal laws
West Virginia	W. Va. Code §§17-27-1 to 18	✓[285]	✓	✓[286]	✓	Service contracts; dedication of public property; prohibited governmental full faith and credit; condemnation; utility crossings; dedication of assets

[278] Agreements must address methods to determine cost, profit and project distribution; tolling rates and responsibilities; and other applicable standards, expenses and costs. They must also include a provision authorizing the authority to purchase the interest of a private equity investor in a transportation project.

[279] §284.007 requires a county with a population of more than 3.3 million operating under this chapter to set and make a good faith effort to meet or exceed goals for awarding contracts or subcontracts to historically underutilized businesses.

[280] §72-6-203(3) lists provisions to be included in a tollway development agreement.

[281] §56-566 lists provisions to be included in comprehensive agreements.

[282] §56-560(E) requires certain independent audits and studies to be conducted on projects with an estimated construction cost exceeding $50 million.

[283] §47.29.140 lists provisions to be included in any agreement.

[284] §47.29.200 requires the use of prevailing wages; §47.29.140 requires consistency with collective bargaining agreements

[285] §17-27-9 lists provisions to be included in comprehensive agreements.

[286] §17-27-16 requires agreements to be subject to state labor statutes.

State/ Jurisdiction	Statutory Citation	36. Specifies provisions in P3 agreements or contracts	37. Requires cost-benefit, comparative or other analyses for P3s	38. Addresses labor issues	39. Addresses material default or bankruptcy	40. Other
Wisconsin	Wis. Stat. Ann. §84.01(30)	✓				
District of Columbia	D.C. Code Ann. §§2-271.01 to 2-275.01	✓[287]	✓		✓	Transparency; rules
Puerto Rico	9 L.R.P.A. §§2001 to 2021					Indemnity clause; public works coordination; public works agreements; officers and employees; funds and accounts; acquisition of property; transfers of funds and property; bonds; remedies of bondholders; commonwealth not liable for bonds; bonds legal investments; declaration of public utility; agreement of commonwealth government; injunctions; special deposit for the benefit of the Highways Authority
	27 L.R.P.A. §§2601 to 2623	✓[288]	✓	✓[289]		Creation of the Public-Private Partnership Authority; partnership committee; agreement of the Commonwealth of Puerto Rico; obligation observances by partnering government entities; lawsuits against the Commonwealth of Puerto Rico; indemnity of officials; employment of initial or periodical payments; assignment of rights and constitution and assignment of lien; inapplicability of certain laws; judicial review procedures; tax emption for the Authority; applicability of the Ethics in Government Act; provisions in conflict rendered ineffective
Total		22 + D.C. and P.R.	14 + D.C. and P.R.	13 + P.R.	13 + D.C.	

[287] §2-273.06 lists specific provisions to be included in P3 agreements.

[288] §2609 lists provisions to be included in partnership contracts.

[289] §2609(g) contains language regulating employee transfers and retirement systems.