

# 2020

# P3 STATE STATUTE REPORT

A guide to state P3 laws providing Owners, lawmakers and industry professionals with the statutory information needed to guide their project delivery decision making.



# P3 STATE STATUTE MATRIX

This matrix provides a high-level survey of state statutes that authorize certain alternative delivery methods for public infrastructure. This matrix does not include privatization legislation. As the nature and scope of the statutes vary considerably, users should refer to the full text of the statutes to determine the specific authority granted.

DBIA extends a special thanks to Nossaman LLP for its extensive contribution to this matrix and DBIA P3 Committee for maintaining it.

Updated February 2020.

P3 SECTORS	TRANSPORTATION					ENERGY	SOCIAL INFRASTRUCTURE	WATER / WASTEWATER	MISCELLANEOUS	STATUTE
	ROADWAYS / BRIDGES	TRANSIT/RAIL	PORTS	AIRPORTS	RELATED FACILITIES					
Alabama	✓				✓					Article 2: State Department of Transportation Ala. Code § 23-1-40
	✓								✓	Article 3: Public Roads, Bridges, and Ferries Ala. Code §§ 23-1-80 to 23-1-95
	✓				✓					Toll Road, Bridge and Tunnel Authority Act Ala. Code §§ 23-2-140 to 23-2-163
Alaska	✓									Chapter 75: Knik Arm Bridge and Toll Authority Alaska Stat. §§ 19.75.011 to 19.75.99 (Specific authority for Knik Arm bridge)
Arizona	✓	✓	✓	✓	✓				✓	Chapter 22: Public-Private Partnerships in Transportation Ariz. Rev. Stat. §§ 28-7701 to 28-7710
Arkansas*	✓	✓	✓	✓	✓	✓	✓	✓	✓	Chapter 10: Partnership for Public Facilities and Infrastructure Act AR Code §§ 22-10-101 to 22-10-505
		✓							✓	Regional Mobility Authority Act AR Code §§ 27-76-401 to 27-76-410

\* Unable to link to specific sections on state legislature website.

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California	✓	✓	✓	✓	✓	✓	✓	✓	✓	Chapter 14: Infrastructure Financing Cal. Gov. Code §§ 5956 to 5956.10
							✓			Chapter 15: Long Beach Civic Center Cal. Gov. Code §§ 5975 to 5979 (Specific authority for Long Beach Civic Center)
Colorado*		✓								Regional Transportation District Act Colo. Rev. Stat. § 32-9-101
	✓				✓					Part 12: Public-Private Initiatives Program Colo. Rev. Stat. §§ 43-1-1201 to 43-1-1209
	✓									Part 2: County and Other Public Highways Colo. Rev. Stat. § 43-2-219
	✓									Part 2: Turnpikes Colo. Rev. Stat. § 43-3-202.5
	✓	✓								Part 8: Funding Advancement For Surface Transportation and Economic Recovery Colo. Rev. Stat. § 43-4-806
Connecticut	✓	✓	✓		✓					Chapter 55d: Public-Private Partnerships Conn. Gen. Stat. §§ 4-255 to 4-263 (Projects must be approved prior to Jan 1, 2020)
Delaware	✓	✓	✓	✓	✓					Chapter 20: Public-Private Initiatives Program in Transportation Del. Code Ann. tit. 2, §§ 2001 to 2012
District of Columbia	✓	✓		✓	✓		✓	✓	✓	Chapter 2A: Public-Private Partnership D.C. Code §§ 2-271.01 to 2-275.01
	General authority for construction projects and related management services without specifying sectors									Subchapter VI: Procurement of Construction Projects and Related Services D.C. Code § 2-356.01

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	ROADWAYS / BRIDGES	TRANSIT/RAIL	PORTS	AIRPORTS	RELATED FACILITIES					
Florida								✓		Chapter 153: Wastewater Facility Privatization Contracts Fla. Stat. § 153.92
		✓	✓	✓	✓		✓	✓	✓	Chapter 255: Public Property and Publicly Owned Buildings Fla. Stat. §§ 255.065(1) to 255.065(15)
				✓	✓					Chapter 311: Seaport Programs and Facilities Fla. Stat. § 311.091
	✓				✓					Chapter 334: Transportation Administration Fla. Stat. § 334.30
	✓				✓					Northwest Florida Transportation Corridor Authority Law Fla. Stat. § 343.875
	✓				✓					Florida Expressway Authority Act Fla. Stat. § 348.0004
		✓			✓					Tampa Bay Area Regional Transportation Authority Act Fla. Stat. § 343.962
	✓	✓			✓					Jacksonville Transportation Authority Law Fla. Stat. § 349.22
Georgia <sup>2</sup>	✓	✓	✓		✓					Chapter 2: Department of Transportation Ga. Code. Ann. §§ 32-2-78 to 32-2-81
	General authority for “qualifying projects” without specifying sectors, but excluding generation of electric energy for sale, communications services, cable and video services and water reservoir projects								Partnership for Public Facilities and Infrastructure Act Ga. Code. Ann. §§ 36-91-110 to 36-91-118	
Hawaii										
Idaho										

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Illinois	✓									Public Private Agreements for the Illiana Expressway Act 605 ILCS 130/1 to 130/999 (Specific authority for Illiana Expressway)
				✓						Public-Private Agreements for the South Suburban Airport Act 620 ILCS 75/2-35 (Specific authority for South Suburban Airport)
	✓				✓					Public-Private Partnerships for Transportation Act 630 ILCS 5/15 to 5/90
Indiana	General authority for “public facilities” without specifying sectors									Article 23: Public-Private Agreements Ind. Code Ann. §§ 5-23-1-1 to 5-23-7-2
	✓				✓					Article 15.5: Public-Private Agreements for Toll Road Projects Ind. Code Ann. § 8-15.5
	✓	✓			✓					Article 15.7: Public Private Partnerships Ind. Code Ann. § 8-15.7
Iowa										
Kansas										
Kentucky	General authority for capital construction projects without specifying sectors									Chapter 45A: Kentucky Model Procurement Code KRS § 45A.077
Louisiana	✓	✓	✓	✓	✓					Public-private partnership projects La. Rev. Stat. § 48:1660.1
	✓									Louisiana Transportation Authority Act La. Rev. Stat. §§ 48:2071 to 48:2084.15
		✓			✓					The Louisiana Intrastate Rail Compact Act La. Rev. Stat. §§ 48:2170 to 48:2189
									✓	Subpart B: Hurricane Protection, Flood Control and Coastal Restoration La. Rev. Stat. § 49:214.6.2
Maine	✓	✓	✓	✓	✓					Chapter 410: Department of Transportation 23 Me. Rev. Stat. Ann. § 4251

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Maryland	✓	✓			✓					Md. Code Regs. 11.07.06
									✓	21st Century School Facilities Commission MD Code, Education, § 4-126
	Authority for specific reporting agencies without specifying sectors									Md. Code Ann., State Fin. & Proc. §§ 10a-101 to 10a-403
Massachusetts	✓	✓			✓					Chapter 6C: Massachusetts Department of Transportation Mass. Gen. Laws Chapter 6C §§ 1-75 (2009)
Michigan										
Minnesota	✓				✓					
							✓			
Mississippi <sup>2</sup>	✓				✓					
Missouri		✓	✓	✓	✓					
Montana										
Nebraska										
Nevada		✓								
	✓	✓	✓	✓	✓					
New Hampshire	✓									Public-Private Partnership Projects N.H. Rev. Stat. Ann. §§ 228:107 to 228:115

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New Jersey	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public-private partnerships for certain building and highway infrastructure projects, and amending and supplementing various parts of the statutory, P.L. 2018, Chap. 90 (S-865), amending or adding N.J. Stat. Ann. 40A:11-52, 18A:18A-60, 52:34-26, 18A:64E-33, 18A:72A-5, 18A:64-85, 52:18A-259, 52:18A-260, and 52:18A-261
							✓			Montclair State University Act N.J. Stat. Ann. § 18A:64N-10
							✓			Article 5: State College Contracts Law N.J. Stat. Ann. § 18A:64-85
							✓			Rowan University P3 Authority N.J. Stat. Ann. § 18A:64M-9.1
							✓			New Jersey Institute of Technology limited P3 Authority N.J. Stat. Ann. 18A:64E-33.
								✓		New Jersey Water Supply Privatization Act, N.J. Stat. Ann. 58:28-3 et seq.
								✓		New Jersey Wastewater Treatment Privatization Act, N.J. Stat. Ann. 58:27-1 et seq.
								✓		Water Infrastructure Protection Act, N.J. Stat. Ann. 58:30-1 et seq.
		✓								Gateway Development Commission, N.J. Stat. Ann. 32:36-1 et seq. and 32:37-1 et seq.
		✓								New Jersey Transit Procurement Policies and Procedures, Chap. 72 N.J. Admin. Code
New Mexico										
New York										

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North Carolina	✓	✓								Article 2: Powers and Duties of Department and Board of Transportation N.C. Gen. Stat. §136-18 (39)
	✓									Article 6H: Public Toll Roads and Bridges N.C. Gen. Stat. §§ 136-89.180 to 136-89.198
	General authority for capital improvement projects without specifying sectors									Article 8: Public Contracts N.C. Gen. Stat. § 143-128
North Dakota							✓	✓		Chapter 48-02.1: Infrastructure Development by Private Operators N.D. Cent. Code Ann. §§ 48-02.1-01 to 48-02.1-13
Ohio	✓	✓	✓	✓	✓					Chapter 5501: Department of Transportation Ohio Rev. Code Ann. § 5501.71
Oklahoma	General authority without specifying sectors]									Oklahoma Public and Private Facilities and Infrastructure Act 74 Okl. St. §§ 5151 to 5158
Oregon	✓	✓	✓	✓	✓					Chapter 367: Transportation Financing; Projects Or. Rev. Stat. §§ 367.800 to 367.826
	✓									Chapter 383: Tollways Or. Rev. Stat. §§ 383.001 to 383.075
Pennsylvania	✓	✓	✓	✓	✓					Chapter 91: Public-Private Transportation Partnerships 74 Pa. Cons. Stat. Ann. §§ 9101 to 9124
Rhode Island										
South Carolina	General authority for infrastructure facilities									Chapter 35: South Carolina Consolidated Procurement Code S.C. Code Ann. § 11-35-3005
	✓									Chapter 3: Department of Transportation S.C. Code Ann. § 57-3-200
South Dakota										



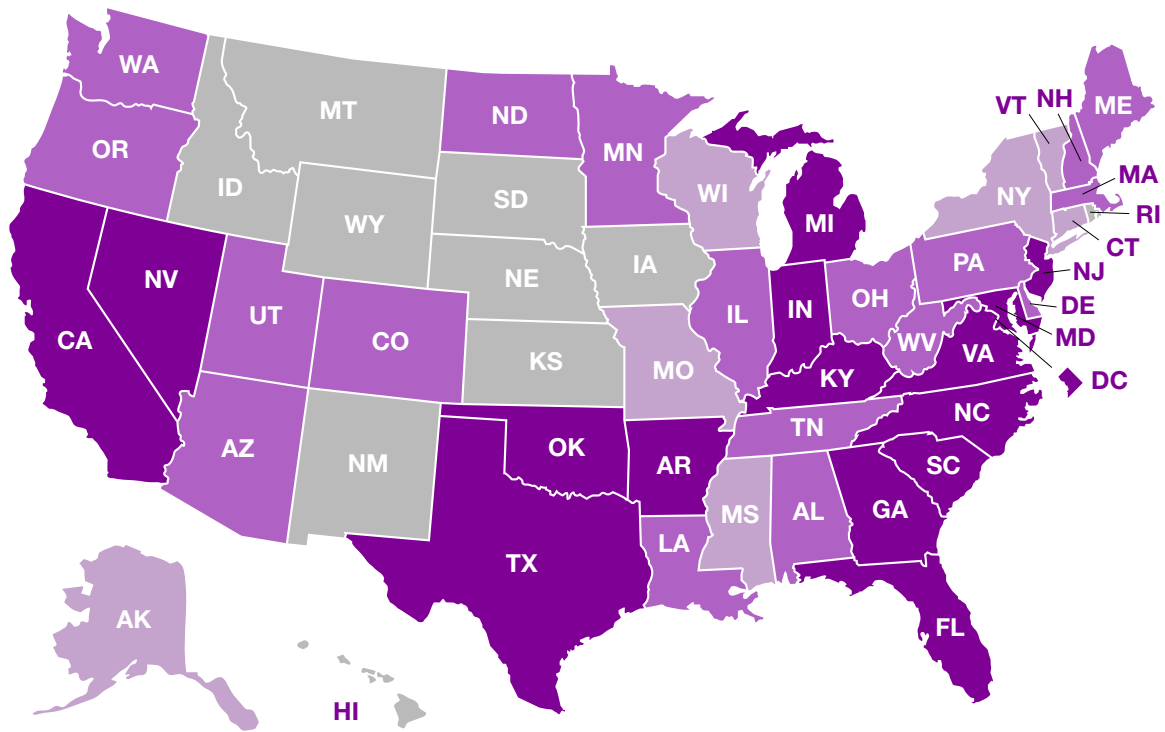
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Tennessee <sup>1</sup>	✓				✓					Tennessee Tollway Act Tenn. Code Ann. §§ 54-3-101 to 54-3-113
		✓			✓					Public-Private Transportation Act Tenn. Code Ann. §§ 54-6-101 to 54-6-121
Texas	✓				✓					Chapter 223: Bids and Contracts for Highway Projects Tex. Transp. Code Ann. §§ 223.001 to 223.209
	✓				✓					Chapter 228: State Highway Toll Projects Tex. Transp. Code Ann. §§ 228.001 to 228.254
	✓				✓					Chapter 284: Causeways, Bridges, Tunnels, Turnpikes, Ferries, and Highways Tex. Transp. Code Ann. § 284.003
	✓				✓					Chapter 366: Regional Tollway Authorities Tex. Transp. Code Ann. §§ 366.401 to 366.409
	✓	✓	✓	✓	✓					Regional Mobility Authority Act Tex. Transp. Code Ann. §§ 370.001 to 370.365
			✓	✓	✓	✓	✓	✓	✓	Chapter 2267: Public and Private Facilities and Infrastructure Tex. Gov't Code Ann. §§ 2267.001 to 2267.0067
										Chapter 371: Comprehensive Dev. Agreements for Highway Toll Projects Tex. Transp. Code Ann. §§ 371.001 to 371.153
Utah	General authority for "procurement units" without specifying sectors									Utah Procurement Code Utah Code Ann. §§ 63G-6A-101 to 63G-6A-2407
	✓									Part 14: Transportation Contracts Utah Code Ann. §§ 63G-6A-1403; 72-6-118; 72-6-201 to 72-6-206

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Vermont	✓									Transportation Public-Private Partnership Pilot Project (Sunset, July 1, 2023) VT Code Title 19, Chapter 26, §§ 2601-2615
Virginia	✓	✓	✓	✓	✓					Public-Private Transportation Act of 1995 Va. Code Ann. §§ 33.2-1800 to 33.2-1824
						✓	✓	✓	✓	The Public-Private Education Facilities and Infrastructure Act of 2002 Va. Code Ann. §§ 56-575.1 to 56-575.18
Washington	✓	✓	✓	✓	✓					Chapter 47: Transportation Innovative Partnerships Wash. Rev. Code §§ 47.29.010 to 47.29.900
West Virginia	✓		✓	✓	✓					Public-Private Transportation Facilities Act W. Va. Code Ann. §§ 17-27-1 to 17-27-18
Wisconsin	✓									Chapter 84: State Trunk Highways; Federal Aid Wis. Stat. Ann. § 84.01 (30)
Wyoming										
Guam										
Puerto Rico*	✓	✓			✓					Puerto Rico Highway and Transportation Authority Act P.R. Laws Ann. tit. 9, §§ 2001 to 2021
	✓	✓	✓	✓	✓	✓	✓	✓	✓	Public-Private Partnerships Act P.R. Laws Ann. tit. 27, §§ 2601 to 2623
						✓				Chapter 11. Puerto Rico Electric Power Authority 22 L.P.R.A. § 196d

\* Unable to link to specific sections on state legislature website.



# Public-Private Partnership (P3) State Laws 2020



P3s are not authorized

P3s are limited or project specific

P3s are authorized in one primary sector

P3s are widely authorized

As of January 2020

