

Amend CSHB 3588 (committee printing) as follows:

(1) In SECTION 11.03 of the bill, in proposed Section 152.0412(e), Transportation Code (page 47, line 66), between "section" and the period, insert "for the period specified by the comptroller".

(2) In ARTICLE 11 of the bill, add the following appropriately numbered section and renumber subsequent sections accordingly:

SECTION 11 _____. (a) Not later than September 1, 2003, the Texas Department of Transportation shall:

(1) establish standard presumptive values for motor vehicles as provided by Section 152.0412, Tax Code, as added by this Act;

(2) modify the department's vehicle registration and titling system as needed to include that information and administer that section; and

(3) make that information available through the system to all county tax assessor-collectors.

(b) The comptroller shall certify the date on which the Texas Department of Transportation's registration and title system, as modified under Subsection (a) of this section, is in use by the 25 county tax assessor-collectors that remitted to the comptroller the largest amount of taxes imposed under Chapter 152, Tax Code, during the state fiscal year ending August 31, 2003.

(c) If the date certified by the comptroller under Subsection (b) of this section is later than September 23, 2003, the Texas Department of Transportation shall transfer \$8 million from the state highway fund to the general revenue fund on the first day of each month after that date until the earlier of:

(1) the date the comptroller issues the certification under Subsection (b) of this section; or

(2) the date the total amount transferred under this subsection equals the lesser of:

(A) \$200 million; or

(B) the total amount in the state highway fund that is not allocated as the result of a requirement in the Texas Constitution.

(d) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2003.

(3) In SECTION 1.01 of the bill, in proposed Section 227.041, Transportation Code (page 5, between lines 38 and 39), insert the following:

(d) Section 25.1032(c), Government Code, does not apply to a condemnation proceeding brought under this subchapter.

(4) In SECTION 2.01 of the bill, in proposed Section 370.163, Transportation Code (page 17, between lines 34 and 35), insert the following:

(d) Section 25.1032(c), Government Code, does not apply to a condemnation proceeding brought under this subchapter.

(5) In SECTION 4.01 of the bill, in proposed Section 91.091, Transportation Code (page 34, between lines 18 and 19), insert the following:

(d) Section 25.1032(c), Government Code, does not apply to a condemnation proceeding brought under this subchapter.

(6) In ARTICLE 12 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS appropriately:

SECTION 12 _____. Subchapter D, Chapter 203, Transportation Code, is amended by adding Section 203.066 to read as follows:

Sec. 203.066. APPLICABILITY OF OTHER LAW. Section 25.1032(c), Government Code, does not apply to a condemnation proceeding brought under this subchapter.

(7) In SECTION 1.01 of the bill, in proposed Section 227.001, Transportation Code (page 1, lines 49-56), strike Subdivision (7) and substitute the following:

(7) "Public utility facility" means:

(A) a water, wastewater, natural gas, or petroleum pipeline or associated equipment;

(B) an electric transmission or distribution line or associated equipment; or

(C) telecommunications, information services, or

cable television infrastructure or associated equipment, including fiber optic cable, conduit, and wireless communications equipment.

(8) In SECTION 1.01 of the bill, in proposed Section 227.015, Transportation Code (page 2, lines 62 and 63), strike proposed Subdivision (2) and substitute the following:

(2) direct the time and manner of construction of a public utility facility on the Trans-Texas Corridor and direct the time and manner of construction or operation of any other facility on the Trans-Texas Corridor.

(9) In SECTION 1.01 of the bill, in proposed Section 227.021(c), Transportation Code (page 3, line 8), strike "Corridor." and substitute "Corridor; provided, however, the department shall grant the owner of a public utility facility that is located on the Trans-Texas Corridor reasonable access to operate and maintain that owner's public utility facilities."

(10) In SECTION 1.01 of the bill, in proposed Section 227.021, Transportation Code (page 3, lines 11 and 12), strike Subsection (d) and substitute the following:

(d) The department may construct or contract for the construction of public utility facilities. However, the department may not directly or indirectly provide water, wastewater, natural gas, petroleum pipeline, electric transmission, electric distribution, telecommunications, information, or cable television services.

(11) In SECTION 1.01 of the bill, in proposed Section 227.021, Transportation Code (page 3, between lines 12 and 13), add the following:

(e) Nothing in this chapter, or any contractual right obtained under a contract with the department authorized by this chapter, supersedes or renders ineffective any provision of another law applicable to the owner or operator of a public utility facility, including any provision of the Utilities Code regarding licensing, certification, and regulatory jurisdiction of the Public Utility Commission of Texas or Railroad Commission of Texas.

(12) In SECTION 1.01 of the bill, in proposed Section 227.026(c), Transportation Code (page 4, line 8), strike "facility." and substitute "facility in the Trans-Texas Corridor;

provided that the department has adopted rules requiring each common user to avoid damaging any equipment that it does not own or operate."

(13) In SECTION 1.01 of the bill, in proposed Section 227.027(a), Transportation Code (page 4, at the end of line 11), add "This subsection does not prohibit an owner of a public utility facility or a proposed public utility facility from conducting any necessary environmental evaluation for the public utility facility. The department is entitled to review and give final approval regarding the sufficiency of any environmental evaluation conducted for a facility within the Trans-Texas Corridor."

(14) In SECTION 1.01 of the bill, in proposed Section 227.029(c), Transportation Code (page 4, line 52), strike "This" and substitute "Except as provided by Subsections (d)-(l), this".

(15) In SECTION 1.01 of the bill, in proposed Section 227.029, Transportation Code (page 4, between lines 54 and 55), insert the following:

(d) Notwithstanding Subsections (a) and (b), this subsection and Subsections (e)-(i) govern the relocation of a public utility facility. If the department determines that a public utility facility must be relocated, including a relocation caused by the conversion of any road that is part of the state highway system to a highway on the Trans-Texas Corridor, the utility and the department shall negotiate in good faith to establish reasonable terms and conditions concerning the responsibilities of the parties with regard to sharing of information about the project and the planning and implementation of any necessary relocation of the public utility facility.

(e) The department shall use its best efforts to provide an affected utility with plans and drawings of the project that are sufficient to enable the utility to develop plans for, and determine the cost of, the necessary relocation of the public utility facilities. If the department and the affected utility enter into an agreement after negotiations under Subsection (d), the terms and conditions of the agreement govern the relocation of each public utility facility covered by the agreement.

(f) If the department and an affected utility do not enter

into an agreement under Subsection (d), the department shall provide to the affected utility:

(1) written notice of the department's determination that the public utility facility must be removed;

(2) a final plan for relocation of the public utility facility; and

(3) reasonable terms and conditions for an agreement with the utility for the relocation of the public utility facility.

(g) Not later than the 90th day after the date a utility receives the notice from the department, including the plan and agreement terms and conditions under Subsection (f), the utility shall enter into an agreement with the department that provides for the relocation.

(h) If the utility fails to enter into an agreement within the 90-day period under Subsection (g), the department may relocate the public utility facility at the sole cost and expense of the utility less any reimbursement of costs that would have been payable to the utility under applicable law. A relocation by the department under this subsection shall be conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

(i) The 90-day period under Subsection (g) may be extended:

(1) by mutual agreement between the department and the utility; or

(2) for any period during which the utility is negotiating in good faith with the department to relocate its facility.

(j) Notwithstanding Subsections (d)-(i), an owner of a public utility facility is not obligated to relocate its public utility facility on the Trans-Texas Corridor if it determines that another location is feasible.

(k) If a public utility facility is relocated on the Trans-Texas Corridor, the department shall grant the owner reasonable entry and access to operate and maintain that owner's public utility facility.

(1) Subject to Subsections (a)-(k), the department, as part of the cost of the project, shall pay the cost of the relocation, removal, or grade separation of a public utility facility under Subsections (d)-(i).

(16) In SECTION 1 of the bill, in proposed Section 227.030, Transportation Code (page 4, at the end of line 63), add "Any removal or relocation of a public utility facility is governed by Sections 227.029(d)-(i) and is not governed by this subsection."

(17) In SECTION 1.01 of the bill, in proposed Section 227.041(a), Transportation Code (page 5, line 6), strike "The commission" and substitute "Other than real property, a property right, or a right-of-way used for a public utility facility, the commission".

(18) In SECTION 1.01 of the bill, in proposed Section 227.046(a), Transportation Code (page 6, lines 7 and 8), strike "A telecommunications utility or a telecommunications utility" and substitute "An owner of a public utility facility".

(19) In SECTION 1.01 of the bill, in proposed Section 227.081(f), Transportation Code (page 8, at the end of line 24), add the following:

The department may not require the owner of a public utility facility to pay a fee for placing a facility along or within the Trans-Texas Corridor specifically to provide service to customers within the Trans-Texas Corridor pursuant to an obligation as a provider of last resort. The department may not require payment of a fee for use of the Trans-Texas Corridor by a public utility facility in existence before the establishment of the Trans-Texas Corridor or for use by a facility that replaces a facility in existence before the establishment of the Trans-Texas Corridor unless the owner of the existing public utility facility relocates the public utility facility into the Trans-Texas Corridor of its own volition. For use of the Trans-Texas Corridor by a public utility facility whose owner places the facility in the Trans-Texas Corridor of its own volition, the department may charge the owner a fee as negotiated between the department and the owner. The fee shall be competitively neutral and nondiscriminatory among similarly situated owners of public utility facilities.

(20) In SECTION 1.01 of the bill, in proposed Section 227.082(c), Transportation Code (page 8, at the end of line 37), add "The department may not grant an exclusive license for use of the Trans-Texas Corridor by an owner of a public utility facility if that exclusive use is prohibited by other law."

(21) In SECTION 2.01 of the bill, in proposed Section 370.002, Transportation Code (page 9, lines 62-69), strike Subdivision (9) and substitute the following:

(9) "Public utility facility" means:

(A) a water, wastewater, natural gas, or petroleum pipeline or associated equipment;

(B) an electric transmission or distribution line or associated equipment; or

(C) telecommunications, information services, or cable television infrastructure or associated equipment, including fiber optic cable, conduit, and wireless communications equipment.

(22) In SECTION 2.01 of the bill, in proposed Section 370.168, Transportation Code (page 18, line 47, through page 19, line 37), strike Subsections (a) through (g), substitute the following, and reletter the subsequent subsections accordingly:

(a) An authority may adopt rules for the authority's approval of the installation, relocation, and removal of a public utility facility in, on, along, over, or under a transportation project.

(b) If the authority determines that a public utility facility located in, on, along, over, or under a transportation project must be relocated, the utility and the authority shall negotiate in good faith to establish reasonable terms and conditions concerning the responsibilities of the parties with regard to sharing of information about the project and the planning and implementation of any necessary relocation of the public utility facility.

(c) The authority shall use its best efforts to provide an affected utility with plans and drawings of the project that are sufficient to enable the utility to develop plans for, and determine the cost of, the necessary relocation of a public utility facility. If the authority and the affected utility enter into an

agreement after negotiations under Subsection (b), the terms and conditions of the agreement govern the relocation of each public utility facility covered by the agreement.

(d) If the authority and an affected utility do not enter into an agreement under Subsection (b), the authority shall provide to the affected utility:

(1) written notice of the authority's determination that the public utility facility must be removed;

(2) a final plan for relocation of the public utility facility; and

(3) reasonable terms and conditions for an agreement with the utility for the relocation of the public utility facility.

(e) Not later than the 90th day after the date a utility receives the notice from the authority, including the plan and agreement terms and conditions under Subsection (d), the utility shall enter into an agreement with the authority that provides for the relocation.

(f) If the utility fails to enter into an agreement within the 90-day period under Subsection (e), the authority may relocate the public utility facility at the sole cost and expense of the utility less any reimbursement of costs that would have been payable to the utility under applicable law. A relocation by the authority under this subsection shall be conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

(g) The 90-day period under Subsection (e) may be extended:

(1) by mutual agreement between the authority and the utility; or

(2) for any period during which the utility is negotiating in good faith with the authority to relocate its facility.

(h) Subject to Subsections (a)-(g), the authority, as a part of the cost of the transportation project or the cost of operating the transportation project, shall pay the cost of the relocation, removal, or grade separation of a public utility facility under

Subsection (a).

(i) The authority may reduce the total costs to be paid by the authority under Subsection (h) by 10 percent for each 30-day period or portion of a 30-day period by which the relocation or removal exceeds the reasonable limit specified by agreement between the authority and the owner or operator of the public utility facility, unless the failure of the owner or operator of the infrastructure to timely relocate or remove the facility results directly from:

(1) a material action or inaction of the authority;

(2) an inability of the public utility facility owner or operator to obtain necessary line clearances to perform the removal or relocation; or

(3) conditions beyond the reasonable control of the owner or operator of the facility, including:

(A) an act of God; or

(B) a labor shortage or strike.

(j) The owner or operator of a public utility facility relocated or removed under Subsection (f) shall reimburse the authority for the expenses the authority reasonably incurred for the relocation or removal of the facility, less any costs that would have been payable to the owner or operator under Subsection (h) had the owner or operator relocated or removed the facility, except that the owner or operator is not required to reimburse the authority if the failure of the owner or operator to timely relocate or remove the facility was the result of circumstances beyond the control of the owner or operator.

(k) The laws of this state applicable to the use of public roads, streets, and waters by a telephone or telegraph corporation apply to the erection, construction, maintenance, location, and operation of a line, pole, or other fixture by a telephone or telegraph corporation over, under, across, on, and along a transportation project constructed by an authority under this chapter.

(23) In SECTION 2.01 of the bill, in proposed Section 370.169(a), Transportation Code (page 19, at the end of line 55), add "Any toll, fee, fare, or other charge imposed on an owner of a

public utility facility under this section must be imposed in a manner that is competitively neutral and nondiscriminatory among similarly situated users of the transportation project."

(24) In SECTION 2.01 of the bill, in proposed Section 370.172(b), Transportation Code (page 20, at the end of line 66), add "This subsection is not applicable to fees or assessments charged under approved rate schedules or line extension policies of a municipally owned electric or gas utility."

(25) In SECTION 4.01 of the bill, in proposed Section 91.074(a), Transportation Code (page 33, at the end of line 51), add "A fee may not be required in connection with the placement, maintenance, or other use of a public utility facility."

(26) In SECTION 4.01 of the bill, in proposed Section 91.093, Transportation Code (page 34, between lines 42 and 43), insert the following:

(d) To ensure the safety and convenience of the public, the department shall, when entering any real property, water, or premises on which is located a public utility facility:

(1) comply with applicable industry standard safety codes and practices; and

(2) notwithstanding Subsection (a), give the owner or operator of the public utility facility not less than 10 days' notice before entering the real property, water, or premises.

(27) In SECTION 4.01 of the bill, in proposed Section 91.093(b), Transportation Code (page 34, line 38), strike "Subsection (a)" and substitute "Subsection (a) or (d)".

(28) In SECTION 4.01 of the bill, in proposed Section 91.093(c), Transportation Code (page 34, line 42), strike "Subsection (a)" and substitute "Subsection (a) or (d)".

(29) In SECTION 4.01 of the bill, in proposed Section 91.105(c), Transportation Code (page 35, line 29), between "state." and "The", insert "A relocation under this subsection must be accomplished pursuant to Subsections (e)-(j)."

(30) In SECTION 4.01 of the bill, in proposed Section 91.105(c), Transportation Code (page 35, lines 30 and 31), strike "if the utility has a compensable property interest in the land occupied by the facility to be relocated".

(31) In SECTION 4.01 of the bill, in proposed Section 91.105, Transportation Code (page 35, between lines 39 and 40), add the following:

(e) If the department determines that a public utility facility must be relocated, the utility and the department shall negotiate in good faith to establish reasonable terms and conditions concerning the responsibilities of the parties with regard to sharing of information about the project and the planning and implementation of any necessary relocation of a public utility facility.

(f) The department shall use its best efforts to provide an affected utility with plans and drawings of the project that are sufficient to enable the utility to develop plans for, and determine the cost of, the necessary relocation of the public utility facility. If the department and the affected utility enter into an agreement after negotiations under Subsection (e), the terms and conditions of the agreement govern the relocation of public utility facilities covered by the agreement.

(g) If the department and an affected utility do not enter into an agreement under Subsection (e), the department shall provide to the affected utility:

(1) written notice of the department's determination that the public utility facility must be removed;

(2) a final plan for relocation of the public utility facility; and

(3) reasonable terms and conditions for an agreement with the utility for the relocation of the public utility facility.

(h) Not later than the 90th day after the date a utility receives the notice from the department, including the plan and agreement terms and conditions under Subsection (g), the utility shall enter into an agreement with the department that provides for the relocation.

(i) If the utility fails to enter into an agreement within the 90-day period under Subsection (h), the department may relocate the public utility facility at the sole cost and expense of the utility less any reimbursement of costs that would have been payable to the utility under applicable law. A relocation by the

department under this subsection shall be conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

(j) The 90-day period under Subsection (h) may be extended:

(1) by mutual agreement between the department and the utility; or

(2) for any period during which the utility is negotiating in good faith with the department to relocate its facility.

(32) Add the following appropriately numbered SECTION to ARTICLE 12 and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 12.____. Section 451.362, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Notwithstanding other provisions of this chapter and except as provided by Subsection (c), the board, by order or resolution, may issue bonds that are secured by revenue or taxes of the authority if the bonds:

(1) have a term of not more than 12 months; and

(2) are payable only from revenue or taxes received on or after the date of their issuance and before the end of the fiscal year following the fiscal year in which the bonds are issued.

(c) In an authority in which the principal municipality has a population of 1.5 million or more, bonds may have a term of not more than five years. The bonds are payable only from revenue on taxes received on or after the date of their issuance.

(33) In SECTION 5.01 of the bill, in proposed Section 222.003(e), Transportation Code (page 36, line 19), strike "Subsection (c)(4)" and substitute "Subsection (c)(1)(D)".

(34) In SECTION 5.01 of the bill, in proposed Section 222.003(e), Transportation Code (page 36, line 22), strike "Subsection (c)(4)" and substitute "Subsection (c)(1)(D)".

(35) In SECTION 12.04 of the bill, in amended Section 222.103(h), Transportation Code (page 50, line 47), strike "\$800

million" and substitute "\$800 million".

(36) In SECTION 1.01 of the bill, in proposed Section 227.041(b)(5), Transportation Code (page 5, lines 29-30), strike "in ways that" and substitute ", from or for ancillary facilities, which facilities".

(37) Add the following appropriately numbered ARTICLE and renumber subsequent ARTICLES accordingly:

ARTICLE _____. STATEWIDE COORDINATION OF
PUBLIC TRANSPORTATION

SECTION _____.01. Subtitle K, Title 6, Transportation Code, is amended by adding Chapter 461 to read as follows:

CHAPTER 461. STATEWIDE COORDINATION OF
PUBLIC TRANSPORTATION

Sec. 461.001. LEGISLATIVE INTENT AND CONSTRUCTION. (a)
Public transportation services are provided in this state by many different entities, both public and private. The multiplicity of public transportation providers and services, coupled with a lack of coordination between state oversight agencies, has generated inefficiencies, overlaps in service, and confusion for consumers. It is the intent of this chapter:

(1) to eliminate waste in the provision of public transportation services;

(2) to generate efficiencies that will permit increased levels of service; and

(3) to further the state's efforts to reduce air pollution.

(b) This chapter shall be liberally construed to achieve its purposes.

Sec. 461.002. DEFINITIONS. In this chapter:

(1) "Public transportation provider" means any entity that provides public transportation services if it is a governmental entity or if it receives financial assistance from a governmental entity, whether state, local, or federal. The term does not include private carriers that do not receive financial assistance from a governmental entity. It also does not include a person who provides intercity rail or bus service, commercial air transportation, water transportation, or nonstop service to or from

a point located outside this state. If a person provides both public transportation services and services that are not public transportation services, that person is included within the term only with regard to the provision of public transportation services and to the extent of those public transportation services.

(2) "Public transportation services" means any conveyance of passengers and their hand-carried baggage by a governmental entity or by a private entity if the private entity receives financial assistance for that conveyance from any governmental entity. It does not include intercity rail or bus service, commercial air transportation, water transportation, or nonstop service to or from a point located outside this state.

Sec. 461.003. RULES OF TEXAS TRANSPORTATION COMMISSION.

(a) The commission by rule may:

(1) require a state agency that is responsible for ensuring the provision of public transportation services to contract with the department for the department to assume the responsibilities of that agency relating to the provision of public transportation services; and

(2) require a public transportation provider to provide detailed information on its provision of public transportation services, including revenues, routes, maps, categories of passengers served, number of passengers served, and equipment use and condition.

(b) Except with regard to health and human services programs funded by this state, the commission may not direct the planning or operations of an authority created or operating under Chapter 451, 452, 453, or 460.

(c) The commission shall adopt other rules, including rules defining terms, necessary to implement this chapter.

Sec. 461.004. DUTIES OF TEXAS DEPARTMENT OF TRANSPORTATION. (a) The department shall identify:

(1) overlaps and gaps in the provision of public transportation services, including services that could be more effectively provided by existing, privately funded transportation resources;

(2) underused equipment owned by public

transportation providers; and

(3) inefficiencies in the provision of public transportation services by any public transportation provider.

(b) The department may contract with any public or private transportation provider for the department to arrange for the provision of public transportation services.

Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) To eliminate waste and maximize efficiency, the department shall encourage public transportation providers to agree on the allocation of specific services and service areas among the providers. The department may incorporate these discussions in planning processes such as the development of the statewide transportation improvement program or a local transportation improvement plan.

(b) If public transportation providers do not reach an agreement on a service plan under Subsection (a), the department may develop an interim service plan for that area.

(c) The department may require that all or a percentage of the vehicles used to provide public transportation services comply with specified emissions standards. The standards may vary among geographic areas based on the need of each area to reduce levels of air pollution. This subsection does not apply to an authority created under Chapter 451, 452, 453, or 460.

Sec. 461.006. DUTIES OF PUBLIC TRANSPORTATION PROVIDERS. Each public transportation provider shall cooperate with the department in eliminating waste and ensuring efficiency and maximum coverage in the provision of public transportation services.

Sec. 461.007. INCENTIVES FOR EFFICIENCY. (a) Notwithstanding any other law, including a law establishing a formula for the allocation of public transportation grants, the commission may increase or reduce the amount of a grant made to a public transportation provider based on whether the public transportation provider is complying fully with this chapter.

(b) Notwithstanding any other law, the commission may consider whether a public transportation provider in a geographic area of this state is complying fully with this chapter in executing

the commission's other responsibilities relating to that area.

SECTION ____ .02. Section 455.0015, Transportation Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) It is the intent of the legislature that, whenever possible, and to the maximum extent feasible, the existing network of transportation providers, and in particular the fixed route components of the existing networks, be used to meet the client transportation requirements of the state's social service agencies and their agents. The legislature recognizes the contributions of nonprofit entities dedicated to providing social services and related activities and encourages the continued community involvement of these entities in this area. The legislature likewise recognizes the potential cost savings and other benefits of utilizing existing private sector transportation resources. The department will contract with and promote the use of private sector transportation resources to the maximum extent feasible consistent with the goals of this subsection.

(c) Each health and human services agency of this state shall contract with the department for the department to assume all responsibilities of the health and human services agency relating to the provision of transportation services for clients of eligible programs.

(d) The department may contract with any public or private transportation provider or with any regional transportation broker for the provision of public transportation services.

SECTION ____ .03. Section 455.004, Transportation Code, is amended to read as follows:

Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE. (a) A public transportation advisory committee consisting of nine members shall:

(1) advise the commission on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation money;

(2) comment on rules involving public transportation during development of the rules and before the commission finally adopts the rules unless an emergency requires immediate commission

action; ~~and~~

(3) advise the commission on the implementation of Chapter 461; and

(4) perform any other duty determined by the commission.

(b) The commission shall appoint members of the advisory committee. The membership of the committee shall ~~[governor, the lieutenant governor, and the speaker of the house of representatives each shall appoint three members of the committee. The appointing officers shall allocate among themselves the authority for appointment of members with different types of qualifications. The committee must]~~ include:

(1) four members who ~~[one member to]~~ represent a diverse cross-section of public transportation providers ~~[in rural areas];~~

(2) three members who ~~[one member to]~~ represent a diverse cross-section of transportation users ~~[municipal transit systems in urban areas with populations of less than 200,000]; and~~

(3) two members who ~~[one member to represent metropolitan transit authorities in urban areas with populations of 200,000 or more;~~

~~[(4) one member to represent transportation providers for persons with disabilities and the elderly; and~~

~~[(5) five members who have a knowledge of and interest in public transportation to]~~ represent the general public.

(c) A member serves at the pleasure of the commission ~~[officer appointing the member]~~. A member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

(d) The public transportation advisory committee shall meet ~~[quarterly or]~~ as requested by the commission.

(e) The commission may adopt rules to govern the operation of the advisory committee.

SECTION ____ .04. Section 461.012, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) The commission shall contract with the Texas Department

of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION _____.05. Section 533.012, Health and Safety Code, is amended to read as follows:

Sec. 533.012. COOPERATION OF STATE AGENCIES. (a) At the department's request, all state departments, agencies, officers, and employees shall cooperate with the department in activities that are consistent with their functions.

(b) The department shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.06. Section 22.001, Human Resources Code, is amended by adding Subsection (e) to read as follows:

(e) The department shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.07. Section 40.002, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) The department may contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.08. Section 91.021, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION _____.09. Section 101.0256, Human Resources Code, is amended to read as follows:

Sec. 101.0256. COORDINATED ACCESS TO LOCAL SERVICES. (a)
The department and the Texas Department of Human Services shall develop standardized assessment procedures to share information on common clients served in a similar service region.

(b) The department shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION ____ .10. Section 111.0525, Human Resources Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION ____ .11. Section 301.063, Labor Code, is amended by adding Subsection (f) to read as follows:

(f) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION ____ .12. LEGISLATIVE INTENT REGARDING PROVISION OF HEALTH AND HUMAN SERVICE TRANSPORTATION THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION. It is the intent of the legislature that the provision of health and human service transportation through the Texas Department of Transportation will improve the delivery of transportation services to clients and enhance their access to transportation services. Furthermore, it is the intent of the legislature that these services be provided in a manner that will generate efficiencies in operation, control costs, and permit increased levels of service. The Texas Department of Transportation shall encourage cooperation and coordination among transportation providers, regional transportation brokers, and actual and potential clients in an effort to achieve the stated legislative goals.

SECTION ____ .13. Any funds that are used by the Texas Department of Transportation to implement the transportation services provided in Sections 15.02, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, and 15.11 shall be accounted for and budgeted separately from other funds appropriated to the Texas Department of Transportation for any other public transportation program or budget strategy.

(38) In SECTION 2.01 of the bill, in proposed Section 370.002, Transportation Code (on page 9, between lines 61 and 62), insert the following subdivision:

(8-A) "Intermodal hub" means a central location where cargo containers can be easily and quickly transferred between trucks, trains, and airplanes.

(39) In SECTION 2.01 of the bill, in proposed Section 370.002(13), Transportation Code (on page 10, between lines 27 and 28), insert the following paragraphs and reletter subsequent paragraphs accordingly:

(F) an intermodal hub;

(G) an automated conveyor belt for the movement of freight;

(H) a border crossing inspection station;

(40) In SECTION 2.01 of the bill, in proposed Subchapter E, Chapter 370, Transportation Code (on page 23, between lines 44 and 45), insert:

Sec. 370.186. COMMERCIAL TRANSPORTATION PROCESSING SYSTEMS. (a) In this section, "port of entry" means a place designated by executive order of the president of the United States, by order of the United States secretary of the treasury, or by act of the United States Congress at which a customs officer is authorized to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws.

(b) This section applies only to a port of entry for land traffic from the United Mexican States and does not apply to a port of entry for marine traffic.

(c) To the extent an authority considers appropriate to expedite commerce and based on the Texas ITS/CVO Business Plan

prepared by the department, the Department of Public Safety, and the comptroller, the authority shall provide for implementation by the appropriate agencies of the use of Intelligent Transportation Systems for Commercial Vehicle Operations (ITS/CVO) in any new commercial motor vehicle inspection facility constructed by the authority and in any existing facility located at a port of entry to which this section applies. The authority shall coordinate with other state and federal transportation officials to develop interoperability standards for the systems.

(d) If an authority constructs a facility at which commercial vehicle safety inspections are conducted, the facility may not be used solely for the purpose of conducting commercial motor vehicle inspections by the Department of Public Safety and the facility must include implementation of ITS/CVO technology by the appropriate agencies to support all commercial motor vehicle regulation and enforcement functions.

(e) As part of its implementation of technology under this section, an authority shall to the greatest extent possible as a requirement of the construction of the facility:

(1) enhance efficiency and reduce complexity for motor carriers by providing a single point of contact between carriers and regulating state and federal government officials and providing a single point of information, available to wireless access, about federal and state regulatory and enforcement requirements;

(2) prevent duplication of state and federal procedures and locations for regulatory and enforcement activities, including consolidation of collection of applicable fees;

(3) link information systems of the authority, the department, the Department of Public Safety, the comptroller, and, to the extent possible, the United States Department of Transportation and other appropriate regulatory and enforcement entities; and

(4) take other necessary action to:

(A) facilitate the flow of commerce;

(B) assist federal interdiction efforts;

(C) protect the environment by reducing idling

time of commercial motor vehicles at the facilities;

(D) prevent highway damage caused by overweight commercial motor vehicles; and

(E) seek federal funds to assist in the implementation of this section.

(f) Construction of a facility to which this section applies is subject to the availability of federal funding for that purpose.

(41) In SECTION 2.01 of the bill, between proposed Subchapters E and F, Chapter 370, Transportation Code (on page 23, line 45), strike "370.186" and substitute "370.187".

(42) In SECTION 2.01 of the bill, strike proposed Section 370.161, Transportation Code (page 16, lines 60-62), and substitute:

Sec. 370.161. TRANSPORTATION PROJECTS EXTENDING INTO OTHER COUNTIES. An authority may acquire, construct, operate, maintain, expand, or extend a transportation project only in:

(1) a county that is a part of the authority;

(2) a county in this state that is not a part of the authority if:

(A) the transportation project in that county is a continuation of a transportation project of the authority extending from a county adjacent to that county;

(B) the county is given an opportunity to become part of the authority on terms and conditions acceptable to the authority and that county; and

(C) the commissioners court of the county agrees to the proposed acquisition, construction, operation, maintenance, expansion, or extension of the transportation project in that county; or

(3) a county in another state or the United Mexican States if:

(A) each governing body of a political subdivision in which the project will be located agrees to the proposed acquisition, construction, operation, maintenance, expansion, or extension;

(B) the project will bring significant benefits to the counties in this state that are part of the authority;

(C) the county in the other state is adjacent to a county that is:

(i) part of the authority constructing, operating, maintaining, expanding, or extending the transportation project; and

(ii) has a municipality with a population of 500,000 or more; and

(D) the governor approves the proposed acquisition, construction, operation, maintenance, expansion, or extension.

(43) In SECTION 2.01 of the bill, in proposed Section 370.031, Transportation Code (page 11, between lines 17 and 18), insert the following:

(c) A municipality that borders the United Mexican States and has a population of 500,000 or more has the same authority as a county to create and participate in an authority. A municipality creating or participating in an authority has the same powers and duties as a county participating in an authority, the governing body of the municipality has the same powers and duties as the commissioners court of a county participating in an authority, and an elected member of the municipality's governing body has the same powers and duties as a commissioner of a county that is participating in an authority.

(44) In SECTION 2.01 of the bill, in proposed Section 371.002, Transportation Code (page 10, between lines 31 and 32), insert the following:

(13-a) "Transportation project" does not include the management, operation, or oversight of a rapid transit authority created under Chapter 451 unless the commissioner or the commissioner's designee has entered into a written agreement with the transit authority specifying the terms and conditions under which the transit authority may participate.

(45) In SECTION 1.01 of the bill, in proposed Section 227.003(c), Transportation Code (page 2, line 13), strike "451 or 452" and substitute "451, 452, or 460".

(46) In SECTION 2.01 of the bill, in proposed Section 370.031(b), Transportation Code (page 11, line 17), between

"Subsection (a)" and the period insert "and the approval of the commissioners court of each county that will be a part of the authority".

(47) In SECTION 2.01 of the bill, strike proposed Section 370.181, Transportation Code (page 22, lines 41-52), and substitute:

Sec. 370.181. CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) An authority may not construct, maintain, or operate a turnpike or toll project in an area having a governmental entity established under Chapter 284 or 366 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the project shall be undertaken. An authority may not construct, maintain, or operate a transportation project that another governmental entity has determined to be a project under Chapter 451, 452, or 460 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the project shall be undertaken.

(b) An authority may not receive or be paid revenue derived by another governmental entity operating under Chapter 284, 366, 451, 452, or 460 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the revenue shall be received by or paid to the authority.

(48) In SECTION 2.01 of the bill, strike proposed Section 370.185, Transportation Code (page 23, lines 36-44), and substitute:

Sec. 370.185. PROPERTY OF CERTAIN TRANSPORTATION AUTHORITIES. An authority may not condemn or purchase real property of a transportation authority operating under Chapter 451, 452, or 460 unless the authority has entered into a written agreement with the transportation authority specifying the terms and conditions under which the condemnation or the purchase of the real property will take place.

(49) In SECTION 6.02 of the bill, in proposed Section 91.037, Transportation Code (page 32, line 34), strike "451 or 452" and substitute "451, 452, or 460".

(50) In SECTION 8.01, in amended Section 45.051(c), Code of Criminal Procedure (page 40, lines 59-62), strike "Other than an offense under Section 545.413, Transportation Code, this subsection does not apply to an offense involving the operation of a motor vehicle."

(51) In SECTION 8.01, strike proposed Article 45.01(c-1), Code of Criminal Procedure (page 40, lines 63-69).

(52) In SECTION 8.02, strike proposed Article 45.0511(1), Code of Criminal Procedure (page 43, lines 12-26), and substitute:

(1) When a defendant [~~person~~] complies with Subsection (c) [~~(b) and a uniform certificate of course completion is accepted by the court~~], the court shall:

(1) [~~remove the judgment and dismiss the charge,~~

[~~2~~] report the fact that the defendant [~~person~~] successfully completed a driving safety course or a motorcycle operator training course and the date of completion to the Texas Department of Public Safety for inclusion in the person's driving record; and

(2) [~~3~~] state in that [~~this~~] report whether the course was taken under [~~the procedure provided by~~] this article to provide information necessary to determine eligibility to take a subsequent course under Subsection (b).

(53) In SECTION 9.01, in proposed Section 521.292(c), Transportation Code (page 44, lines 32 and 33), strike "of guilt under Articles 45.051(c-1) and 45.0511(1)(1)" and substitute "an adjudication under Article 45.051 or 45.0511".

(54) In SECTION 10.04, in amended Section 543.202(b)(7), Transportation Code (page 47, line 5), strike "45.051(c-1) or 45.0511(1)(1)" and substitute "45.0511".

(55) Add the following appropriately numbered ARTICLE and renumber ARTICLES accordingly:

ARTICLE _____. CONDITIONAL GRANT PROGRAM

SECTION _____.01. Section 56.141(4), Education Code, is amended to read as follows:

(4) "Eligible profession" means the profession of engineering or another profession as defined [~~identified~~] by [~~the~~] department rule for which the department determines there is a need

~~[as having a significant statistical underrepresentation of minorities or women]~~ in the department's workforce.

SECTION _____.02. Section 56.142(a), Education Code, is amended to read as follows:

(a) The department shall establish and administer a conditional grant program under this subchapter to provide financial assistance to eligible ~~[women and minority]~~ students who agree to work for the department in an eligible profession for the two academic years immediately following the date of the student's receipt of an eligible degree.

SECTION _____.03. Section 56.143, Education Code, is amended to read as follows:

Sec. 56.143. ELIGIBLE STUDENT. (a) To be eligible for a conditional grant under this subchapter, a student must:

(1) complete and file with the department, on forms prescribed by the department, a conditional grant application and a declaration of intent to become a member of an eligible profession and work for the department for the two academic years immediately following the date of the student's receipt of an eligible degree;

(2) enroll in an institution;

(3) be a Texas resident, as defined by Texas Higher Education Coordinating Board rule;

(4) be economically disadvantaged ~~[a minority]~~, as defined by department rule~~[, or a woman]~~; and

(5) have complied with any other requirements adopted by the department under this subchapter.

(b) In determining who should receive a grant under this program, the department:

(1) shall give highest priority to students who demonstrate the greatest financial need; and

(2) may consider whether the applicant would be the first generation of the applicant's family to attend or graduate from an undergraduate program or from a graduate or professional program.

SECTION _____.04. Section 56.147, Education Code, is amended by reenacting and amending Subsection (b), as amended by Chapters 151 and 165, Acts of the 74th Legislature, Regular Session, 1995,

and by adding Subsection (c) to read as follows:

(b) The department shall issue not less than \$400,000 annually in conditional grants under this subchapter from money available to fund the conditional grant program [~~gifts, grants, and funds described by Subsection (a)~~].

(c) The department may provide outreach programs to recruit students into the conditional grant program.

SECTION ____ .05. The change in law made by this article does not affect the eligibility of a person awarded a grant under Subchapter I, Chapter 56, Education Code, before the effective date of this article to receive the grant or to participate in the conditional grant program under Subchapter I, Chapter 56, Education Code, as that subchapter existed when the person was awarded the grant, and the former law is continued in effect for that purpose.

(56) In SECTION 4.01 of the bill, between added Sections 91.036 and 91.037, Transportation Code (page 32, between lines 30 and 31), insert the following:

Sec. 91.0361. CERTAIN FREIGHT RAILROAD PROJECTS. (a) If sufficient funds from bonds sold to construct the Central Texas turnpike project or from the Texas mobility fund are available, the department may, and is strongly encouraged to, use the funds for engineering, design, grading, and construction necessary to create a grade-separated freight rail line capable of being safely traveled by trains operating at not less than 80 miles per hour in or adjacent to the State Highway 130 corridor.

(b) The department may, and is strongly encouraged to, enter into negotiations with any Class I railroad concerning building and operating a freight railroad in or adjacent to the State Highway 130 corridor. The department may explore with any Class I railroad the possibility of operating the freight railroad line in or adjacent to the State Highway 130 corridor as a revenue-producing partnership that could benefit this state and the current holders of bonds used in the financing of State Highway 130.

(c) This amendment may not be construed to allow any delay in the current published schedule for the construction and completion of State Highway 130.

(57) In SECTION 11.04 of the bill, in proposed Section

152.123(b)(1), Tax Code (page 48, line 48), strike "2005" and substitute "2006" and renumber the years in Subdivisions (2)-(10) accordingly.

(58) In SECTION 11.05 of the bill, in amended Section 502.102(b)(3), Transportation Code (page 49, line 2), strike "the amount retained" and substitute "an additional amount of fees equal to the amount calculated".

(59) In SECTION 11.06 of the bill, in the heading to proposed Section 502.1025, Transportation Code (page 49, line 11), strike "ADDITIONAL" and substitute "CALCULATION OF ADDITIONAL FEE".

(60) In SECTION 11.06 of the bill, in proposed Section 502.1025(b), Transportation Code (page 49, line 22), between "retain" and "the" insert "under 502.102(b) fees based on".

(61) In SECTION 11.06 of the bill, in proposed Section 502.1025(b)(1), Transportation Code (page 49, line 25), strike "2005" and substitute "2006" and renumber the years in Subdivisions (2)-(10) accordingly.

(62) Following SECTION 11.07 (page 49, between lines 47 and 48), insert the following appropriately numbered section:

SECTION _____. Sections 11.04, 11.05, 11.06, and 11.07 of this Article take effect September 1, 2005.