

BILL ANALYSIS

C.S.H.B. 3343
By: Wohlgemuth
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Public transportation services are currently provided throughout the state by a wide array of transportation providers including regional and metropolitan transportation authorities, municipal and county transportation authorities, rural and small urban transit districts, and a variety of other public and private entities. Funding for these services comes from a variety of sources – federal, state and local. On the state level alone, funding for public transportation programs is provided by multiple state agencies including the Texas Department of Transportation (department), the Texas Department of Health, the Workforce Commission, the Commission for the Blind, the Department on Aging, and the Texas Department of Mental Health and Mental Retardation.

There is no single mechanism for the coordination of public transportation services throughout the state. The uncoordinated provision of public transportation services by so many providers and the uncoordinated funding of public transportation services by so many state agencies has generated waste, inefficiency, lost opportunities and confusion for the consumer. The lack of coordination between providers and state agencies has contributed to both duplication and fragmentation of transportation services. Scarce resources are wasted when governmental entities duplicate functions such as contract management, or fund like services such as transportation to the same geographic and/or demographic groups. The same lack of coordination has caused fragmentation and a lack of adequate service in other areas. Whether it is duplication or fragmentation, the lack of coordination has led to waste and inefficiency which in turn has denied the consumer, the transit rider, the highest level of service possible.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Subtitle K, Title 6, Section 461.003, Transportation Code) of this bill.

ANALYSIS

SECTION 1. Amends Subtitle K, Title 6, Transportation Code, by adding Chapter 461 as follows:

CHAPTER 461. STATEWIDE COORDINATION OF PUBLIC TRANSPORTATION

Sec. 461.001. LEGISLATIVE INTENT AND CONSTRUCTION. (a) Establishes legislative intent.

(b) Specifies that this chapter must be liberally construed to achieve its purposes.

Sec. 461.002. DEFINITIONS. Defines "public transportation provider" and "public transportation services."

Sec. 461.003. DUTIES OF THE TEXAS TRANSPORTATION COMMISSION. (a) Authorizes the commission to adopt rules requiring state agencies that provide public transportation services to contract with the department to provide those services.

(b) Authorizes the commission to require public transportation providers to furnish information on their provision of public transportation services. Provides that the commission may not direct the planning or

operations of authorities created under Chapters 451, 452 and 453, except as it may pertain to health and human service transportation programs funded by the state.

(c) Authorizes the commission to adopt other rules as necessary to implement the chapter including the defining of terms.

Sec. 461.004. DUTIES OF THE TEXAS DEPARTMENT OF TRANSPORTATION. (a) Requires the department to identify various inefficiencies in public transportation service.

(b) Authorizes the department to contract with public or private transportation providers for the provision of public transportation services.

Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) Requires the department to encourage public transportation providers to agree upon the allocation of specific services and service areas, and allows this coordination to take place as part of an existing planning process.

(b) Authorizes the department to develop an interim service plan in the absence of a locally agreed-upon plan.

(c) Authorizes the department to require vehicles used to provide public transportation services, with the exception of those owned by authorities created under Chapters 451 & 452, Transportation Code, meet certain emission standards.

Sec. 461.006. DUTIES OF PUBLIC TRANSPORTATION PROVIDERS. Requires public transportation providers to cooperate with the department in eliminating waste, and ensuring efficiency and maximum service.

Sec. 461.007. INCENTIVES FOR EFFICIENCY. (a) Authorizes the commission to increase or reduce the allocation of grant funds based on a public transportation provider's compliance with this chapter.

(b) Authorizes the commission, in its execution of its responsibilities throughout the state, to consider a public transportation provider's compliance with this chapter.

SECTION 2. Authorizes the commission to appoint the members of the Public Transportation Advisory Committee. Requires that the committee be comprised of nine members, four who represent a cross-section of public transportation providers, three who represent a cross-section of public transportation users, and two members who represent the public. This section also requires the committee to advise the commission on the implementation of this chapter.

SECTION 3. Amends Chapter 455.0015, Transportation Code, by adding subsection (c) to require the Texas Department of Health and Human Services Commission to contract with the department for the provision of transportation services.

SECTION 4. Amends Subsection (b), Section 301.063, Labor Code, by adding Subdivision (5) to require the Workforce Commission to contract with the department for the provision of transportation services.

SECTION 5. Amends Section 40.002, Human Resources Code, by adding Subsection (f) to require the Department of Protective and Regulatory Services to contract with the department for the provision of transportation services.

SECTION 6. Amends Section 22.001, Human Resources Code, by adding subsection (e) to require the Department of Human Services to contract with the department for the provision of transportation services.

SECTION 7. Amends Section 91.021, Human Resources Code, by adding subsection (g) to require the Commission for the Blind to contract with the department for the provision of transportation services.

SECTION 8. Amends Section 101.0256, Human Resources Code, renumbering the existing text as (a) and adding subsection (b) to require the Department on Aging to contract with the department for the provision of transportation services.

SECTION 9. Amends Section 111.0525, Human Resources Code, by adding subsection (d) to require the Texas Rehabilitation Commission to contract with the department for the provision of transportation services.

SECTION 10. Amends Subsection (a), Section 461.012, Health and Safety Code, by adding Subdivision (19) to require the Commission on Alcohol and Drug Abuse to contract with the department for the provision of transportation services.

SECTION 11. Amends Section 533.012, Health and Safety Code, by renumbering the existing text as (a) and adding subsection (b) to require the Texas Department of Mental Health and Mental Retardation to contract with the department for the provision of transportation services.

SECTION 12. Requires the department to provide the legislature, no later than January 1, 2005, with a report on the implementation of this chapter. Requires the report to include information on the effects of this chapter on users of public transportation, overall service levels, and cost effectiveness.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. Section 461.001(a) broadens legislative intent for the need for coordination to include transportation services and state oversight agencies; and eliminates specific reference to the reduction of air pollution in major metropolitan areas and the sharing of resources and costs by public transportation providers.

In Section 461.002(1) the definition of “public transportation provider” is amended to not include intercity rail or bus service, commercial air or water transportation, or nonstop service to or from a point outside the state. The definition further clarifies that only “public transportation services” provided are subject to this definition.

The definition for “public transportation services” in Section 461.002(2) is clarified and amended to not include intercity bus service.

In Section 461.003, the commission’s authority to establish consistent accounting standards has been removed, as has the commission’s authority to direct the planning or operations of any transportation authority established under Chapters 451, 452 & 453, Transportation Code except as it may pertain to state funded health and human service transportation programs. This section also authorizes the commission to define terms as necessary in the implementation of this chapter.

In the identification of overlaps and gaps in service, the department is further authorized, in Section 461.004, to consider services that could be provided in a more effective manner by privately funded transportation resources, and allows for the contracting with private providers.

Section 461.005 the requirement for an allocation plan to be filed in a set form with the department has been eliminated; a provision has been added authorizing the department to develop an interim service plan in the absence of an agreed upon plan; and this section now exempts public transportation authorities created under Chapters 451 & 452, Transportation Code from department established emission standards. The provision authorizing the department to generate new forms has also been deleted.

Language in Section 461.006, authorizing the department to request public transportation providers allocate transportation services to eliminate waste and maximize efficiency has been deleted.

SECTION 2. A new SECTION 2 has been added amending Section 455.004, Transportation Code, to change both the appointment and membership of the Public Transportation Advisory Committee. The authority to appoint committee members has been changed from the governor, lieutenant governor and speaker of the house to the commission. The committee is to be comprised of four individuals who represent a diverse cross-section of public transportation providers, three individuals representing a diverse cross-section of public transportation users, and two individuals representing the public. This section also authorizes the committee to advise the commission on the implementation of this chapter.

SECTION 3. Chapter 455.0015, Transportation Code is now amended to include the Health and Human Services Commission in the requirement for contracting with the department for the provision of public transportation services. SECTIONS 4 through 11 have been renumbered to reflect addition of a new SECTION 2.

SECTION 12. A new SECTION 12 has been added to require the department to provide the legislature, no later than January 1, 2005, with a report on the implementation of this chapter. The report is required to include information on the effects of this chapter of users of public transportation, overall service levels, and cost effectiveness.

SECTION 13. The old SECTION 11 has been renumbered as SECTION 13 to reflect the addition of two new SECTIONS.