

By: Wohlgemuth, Turner

H.B. No. 3343

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the coordination of statewide public transportation by
3 the Texas Transportation Commission and the Texas Department of
4 Transportation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle K, Title 6, Transportation Code, is
7 amended by adding Chapter 461 to read as follows:

8 CHAPTER 461. STATEWIDE COORDINATION OF PUBLIC TRANSPORTATION

9 Sec. 461.001. LEGISLATIVE INTENT AND CONSTRUCTION. (a)

10 Public transportation services are provided in this state by many
11 different entities, both public and private. The multiplicity of
12 public transportation providers and services, coupled with the lack
13 of coordination between state oversight agencies, has generated
14 inefficiencies, overlaps in service, and confusion for the
15 consumer. It is the intent of this chapter to eliminate waste in
16 the provision of public transportation services, to generate
17 efficiencies that will permit increased levels of service, and to
18 further the state's efforts to reduce air pollution.

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

21 Sec. 461.002. DEFINITIONS. In this chapter:

22 (1) "Public transportation provider" means any entity
23 that provides public transportation services if it is a
24 governmental entity or if it receives financial assistance from a

1 governmental entity, whether state, local, or federal. The term
2 does not include private carriers that do not receive financial
3 assistance from a governmental entity. It also does not include a
4 person who provides intercity rail or bus service, commercial air
5 transportation, water transportation, or nonstop service to or from
6 a point located outside this state. If a person provides both
7 public transportation services and services that are not public
8 transportation services, that person is included within the term
9 only with regard to the provision of public transportation services
10 and to the extent of those public transportation services.

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

18 Sec. 461.003. DUTIES OF THE TEXAS TRANSPORTATION
19 COMMISSION. (a) The commission by rule may require any state
20 agency that is responsible for ensuring the delivery of public
21 transportation services to contract with the department for the
22 department to assume all responsibilities of that agency relating
23 to the provision of those transportation services.

24 (b) The commission by rule may require any public
25 transportation provider to provide detailed information on its
26 provision of public transportation services, including revenues,
27 routes, maps, categories of customers served, number of customers

1 served, and equipment use and condition. Except with regard to
2 health and human service programs funded by the state, the
3 commission may not direct the planning or operations of authorities
4 created under Chapter 451, 452, or 453, Transportation Code.

5 (c) The commission shall adopt other rules as necessary to
6 implement this chapter, including the definition of terms as
7 necessary for its implementation.

8 Sec. 461.004. DUTIES OF THE TEXAS DEPARTMENT OF
9 TRANSPORTATION. (a) The department shall identify overlaps and
10 gaps in the provision of public transportation services, including
11 services that could be provided more effectively by existing
12 privately funded transportation resources, underutilized equipment
13 owned by public transportation providers, and inefficiencies in the
14 provision of public transportation services by any public
15 transportation provider.

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

19 Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) For
20 the purpose of eliminating waste and maximizing efficiency, the
21 department shall encourage public transportation providers to
22 agree among themselves on the allocation of specific services and
23 service areas. The department may incorporate these discussions in
24 existing planning processes, including the Statewide
25 Transportation Improvement Program or local transportation
26 improvement plans.

27 (b) In the absence of an agreed-upon service plan that

1 furtheres the purposes of this chapter, the department may develop
2 an interim service plan for that area.

3 (c) The department may require that all or a percentage of
4 vehicles used to provide public transportation services meet
5 specified emissions standards. The standards may vary among
6 geographic areas based on the need of each area to reduce levels of
7 air pollution. This subsection does not apply to an authority
8 created under Chapter 451 or 452, Transportation Code.

9 Sec. 461.006. DUTIES OF PUBLIC TRANSPORTATION PROVIDERS.
10 Public transportation providers shall cooperate with the
11 department in eliminating waste and ensuring efficiency and maximum
12 coverage in the provision of public transportation services.

13 Sec. 461.007. INCENTIVES FOR EFFICIENCY. (a)
14 Notwithstanding any other law, including laws establishing
15 formulas for the allocation of public transportation grants, the
16 commission may increase or reduce grants to any public
17 transportation provider based on whether that public
18 transportation provider is complying fully with this chapter.

19 (b) Notwithstanding any other law, the commission may
20 consider whether public transportation providers in a geographic
21 area are complying fully with this chapter in executing its other
22 responsibilities regarding that area.

23 SECTION 2. Section 455.004, Transportation Code, is amended
24 to read as follows:

25 Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE.

26 (a) A public transportation advisory committee consisting of nine
27 members shall:

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

4 (2) comment on rules involving public transportation
5 during development of the rules and before the commission finally
6 adopts the rules unless an emergency requires immediate commission
7 action; ~~and~~

8 (3) advise the commission on implementation of Chapter
9 461; and

10 (4) [(3)] perform any other duty determined by the
11 commission.

12 (b) The commission shall appoint members of the committee.
13 The membership of the committee shall include four members who
14 represent a diverse cross-section of public transportation
15 providers, three members who represent a diverse cross-section of
16 public transportation users, and two members who represent the
17 public. ~~[governor, the lieutenant governor, and the speaker of the~~
18 ~~house of representatives each shall appoint three members of the~~
19 ~~committee. The appointing officers shall allocate among themselves~~
20 ~~the authority for appointment of members with different types of~~
21 ~~qualifications. The committee must include:~~

22 ~~[(1) one member to represent public transportation~~
23 ~~providers in rural areas;~~

24 ~~[(2) one member to represent municipal transit systems~~
25 ~~in urban areas with populations of less than 200,000;~~

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

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

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

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

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

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

14 SECTION 3. Section 455.0015, Transportation Code, is
15 amended by amending Subsection (b) and adding Subsections (c) and
16 (d) to read as follows:

17 (b) It is the intent of the legislature that, whenever
18 possible, and to the maximum extent feasible, the existing network
19 of transportation providers, and in particular the fixed route
20 components of the existing networks, be used to meet the client
21 transportation requirements of the state's social service agencies
22 and their agents. The legislature recognizes the contributions of
23 nonprofit entities dedicated to providing social services and
24 related activities and encourages the continued community
25 involvement of those ~~[these]~~ entities in this area. The
26 legislature likewise recognizes the potential cost savings and
27 other benefits for utilizing existing private sector

1 transportation resources. The department will contract with and
2 promote the use of private sector transportation resources to the
3 maximum extent feasible consistent with the goals of this
4 subsection.

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

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

13 SECTION 4. Section 301.063(b), Labor Code, is amended to
14 read as follows:

15 (b) In administering this title the commission and
16 executive director shall:

17 (1) cooperate with the secretary under the Social
18 Security Act (42 U.S.C. Section 301 et seq.) to the fullest extent
19 consistent with this title;

20 (2) make reports in the form and containing
21 information required by the secretary and comply with provisions
22 the secretary finds necessary to ensure that the reports are
23 correct and verified;

24 (3) comply with the regulations prescribed by the
25 secretary governing the expenditures of funds allotted and paid to
26 the state under Title III of the Social Security Act (42 U.S.C.
27 Section 501 et seq.) to assist in the administration of this title;

1 [~~and~~]

2 (4) cooperate with any official or agency of the
3 United States having powers or duties under the Wagner-Peyser Act
4 (29 U.S.C. Section 49 et seq.) and take all actions necessary to
5 secure to this state the benefits of that Act and necessary to
6 perform the commission's duties under Chapter 307; and

7 (5) contract with the Texas Department of
8 Transportation for the Texas Department of Transportation to assume
9 all responsibilities of the commission relating to the provision of
10 transportation services for clients of eligible programs.

11 SECTION 5. Section 40.002, Human Resources Code, is amended
12 by adding Subsection (f) to read as follows:

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

17 SECTION 6. Section 22.001, Human Resources Code, is amended
18 by adding Subsection (e) to read as follows:

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

24 SECTION 7. Section 91.021, Human Resources Code, is amended
25 by adding Subsection (g) to read as follows:

26 (g) The commission shall contract with the Texas Department
27 of Transportation for the Texas Department of Transportation to

1 assume all responsibilities of the commission relating to the
2 provision of transportation services for clients of eligible
3 programs.

4 SECTION 8. Section 101.0256, Human Resources Code, is
5 amended to read as follows:

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

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

15 SECTION 9. Section 111.0525, Human Resources Code, is
16 amended by adding Subsection (d) to read as follows:

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

22 SECTION 10. Section 461.012(a), Health and Safety Code, is
23 amended to read as follows:

24 (a) The commission shall:

25 (1) provide for research and study of the problems of
26 chemical dependency in this state and seek to focus public
27 attention on those problems through public information and

1 education programs;

2 (2) plan, develop, coordinate, evaluate, and
3 implement constructive methods and programs for the prevention,
4 intervention, treatment, and rehabilitation of chemical dependency
5 in cooperation with federal and state agencies, local governments,
6 organizations, and persons, and provide technical assistance,
7 funds, and consultation services for statewide and community-based
8 services;

9 (3) cooperate with and enlist the assistance of:

10 (A) other state, federal, and local agencies;

11 (B) hospitals and clinics;

12 (C) public health, welfare, and criminal justice
13 system authorities;

14 (D) educational and medical agencies and
15 organizations; and

16 (E) other related public and private groups and
17 persons;

18 (4) expand chemical dependency services for children
19 when funds are available because of the long-term benefits of those
20 services to the state and its citizens;

21 (5) sponsor, promote, and conduct educational
22 programs on the prevention and treatment of chemical dependency,
23 and maintain a public information clearinghouse to purchase and
24 provide books, literature, audiovisuals, and other educational
25 material for the programs;

26 (6) sponsor, promote, and conduct training programs
27 for persons delivering prevention, intervention, treatment, and

1 rehabilitation services and for persons in the criminal justice
2 system or otherwise in a position to identify chemically dependent
3 persons and their families in need of service;

4 (7) require programs rendering services to chemically
5 dependent persons to safeguard those persons' legal rights of
6 citizenship and maintain the confidentiality of client records as
7 required by state and federal law;

8 (8) maximize the use of available funds for direct
9 services rather than administrative services;

10 (9) consistently monitor the expenditure of funds and
11 the provision of services by all grant and contract recipients to
12 assure that the services are effective and properly staffed and
13 meet the standards adopted under this chapter;

14 (10) make the monitoring reports prepared under
15 Subdivision (9) a matter of public record;

16 (11) license treatment facilities under Chapter 464;

17 (12) use funds appropriated to the commission to carry
18 out this chapter and maximize the overall state allotment of
19 federal funds;

20 (13) develop and implement policies that will provide
21 the public with a reasonable opportunity to appear before the
22 commission and to speak on any issue under the commission's
23 jurisdiction;

24 (14) establish minimum criteria that peer assistance
25 programs must meet to be governed by and entitled to the benefits of
26 a law that authorizes licensing and disciplinary authorities to
27 establish or approve peer assistance programs for impaired

1 professionals;

2 (15) adopt rules governing the functions of the
3 commission, including rules that prescribe the policies and
4 procedures followed by the commission in administering any
5 commission programs;

6 (16) plan, develop, coordinate, evaluate, and
7 implement constructive methods and programs to provide healthy
8 alternatives for youth at risk of selling controlled substances;

9 (17) submit to the federal government reports and
10 strategies necessary to comply with Section 1926 of the federal
11 Alcohol, Drug Abuse, and Mental Health Administration
12 Reorganization Act, Pub. L. 102-321 (42 U.S.C. Section 300x-26);
13 reports and strategies are to be coordinated with appropriate state
14 governmental entities; ~~and~~

15 (18) regulate, coordinate, and provide training for
16 alcohol awareness courses required under Section 106.115,
17 Alcoholic Beverage Code, and may charge a fee for an activity
18 performed by the commission under this subdivision; and

19 (19) contract with the Texas Department of
20 Transportation for the Texas Department of Transportation to assume
21 all responsibilities of the commission relating to the provision of
22 transportation services for clients of eligible programs.

23 SECTION 11. Section 533.012, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 533.012. COOPERATION OF STATE AGENCIES. (a) At the
26 department's request, all state departments, agencies, officers,
27 and employees shall cooperate with the department in activities

1 that are consistent with their functions.

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

7 SECTION 12. No later than January 1, 2005, the Texas
8 Department of Transportation shall report to the legislature on the
9 implementation of Chapter 461, Transportation Code, including the
10 effects on users of public transportation, overall service levels,
11 and cost effectiveness.

12 SECTION 13. It is the intent of the legislature that the
13 provision of health and human service transportation through the
14 Texas Department of Transportation will improve the delivery of
15 transportation services to clients and enhance their access to
16 transportation services. Furthermore, it is the intent of the
17 legislature that these services be provided in a manner that will
18 generate efficiencies in operation, control costs, and permit
19 increased levels of service. The Texas Department of
20 Transportation shall encourage cooperation and coordination among
21 transportation providers, regional transportation brokers, and
22 actual and potential clients in an effort to achieve the stated
23 legislative goals.

24 SECTION 14. Any funds that are used by the Texas Department
25 of Transportation to implement the transportation services
26 provided in Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 shall be
27 accounted for and budgeted separately from other funds appropriated

1 to the Texas Department of Transportation for any other public
2 transportation program or budget strategy.

3 SECTION 15. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2003.