

By: Wohlgemuth, Turner

H.B. No. 3343

Substitute the following for H.B. No. 3343:

By: Edwards

C.S.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

20 (a) For the purpose of eliminating waste and maximizing
21 efficiency, the department shall encourage public transportation
22 providers to agree among themselves on the allocation of specific
23 services and service areas. The department may incorporate these
24 discussions in existing planning processes, including the
25 Statewide Transportation Improvement Program or local
26 Transportation 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. Amend Section 455.004, Transportation Code, to
24 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. Chapter 455.0015, Transportation Code, is
15 amended by adding subsection (c) to read as follows:

16 (c) The Texas Department of Health and the Health and Human
17 Services Commission shall contract with the department for the
18 department to assume all responsibilities of the Texas Department
19 of Health and the Health and Human Services Commission relating to
20 the provision of transportation services.

21 SECTION 4. Subsection (b), Section 301.063, Labor Code, is
22 amended by adding Subdivision (5) to read as follows:

23 (b) In administering this title the commission and
24 executive director shall:

25 (5) contract with the Texas Department of
26 Transportation for the Texas Department of Transportation to assume
27 all responsibilities of the commission relating to the provision of

1 transportation services.

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

4 (f) The department shall contract with the Texas Department
5 of Transportation for the Texas Department of Transportation to
6 assume all responsibilities of the department relating to the
7 provision of transportation services.

8 SECTION 6. Section 22.001, Human Resources Code, is amended
9 by adding subsection (e) to read as follows:

10 (e) 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.

14 SECTION 7. Section 91.021, Human Resources Code, is amended
15 by adding subsection (g) to read as follows:

16 (g) The commission shall contract with the Texas Department
17 of Transportation for the Texas Department of Transportation to
18 assume all responsibilities of the commission relating to the
19 provision of transportation services.

20 SECTION 8. Section 101.0256, Human Resources Code, is
21 amended by renumbering the existing text as (a) and adding
22 subsection (b) to read as follows:

23 (a) The department and the Texas Department of Human
24 Services shall develop standardized assessment procedures to share
25 information on common clients served in a similar service region.

26 (b) The department shall contract with the Texas Department
27 of Transportation for the Texas Department of Transportation to

1 assume all responsibilities of the department relating to the
2 provision of transportation services.

3 SECTION 9. Section 111.0525, Human Resources Code, is
4 amended by adding subsection (d) to read as follows:

5 (d) The commission shall contract with the Texas Department
6 of Transportation for the Texas Department of Transportation to
7 assume all responsibilities of the commission relating to the
8 provision of transportation services.

9 SECTION 10. Subsection (a), Section 461.012, Health and
10 Safety Code, is amended by adding Subdivision (19) to read as
11 follows:

12 (a) The commission shall:
13 (19) contract with the Texas Department of
14 Transportation for the Texas Department of Transportation to assume
15 all responsibilities of the commission relating to the provision of
16 transportation services.

17 SECTION 11. Section 533.012, Health and Safety Code, is
18 amended by renumbering the existing text as (a) and adding
19 subsection (b) to read as follows:

20 (a) At the department's request, all state departments,
21 agencies, officers, and employees shall cooperate with the
22 department in activities that are consistent with their functions.

23 (b) The department shall contract with the Texas Department
24 of Transportation for the Texas Department of Transportation to
25 assume all responsibilities of the department relating to the
26 provision of transportation services.

27 SECTION 12. No later than January 1, 2005, the department

1 shall report to the legislature on the implementation of Chapter
2 461, Transportation Code, including the effects on users of public
3 transportation, overall service levels, and cost effectiveness.

4 SECTION 13. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2003.