

By: Janek

S.B. No. 314

Substitute the following for S.B. No. 314:

By: Allen

C.S.S.B. No. 314

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 a lack  
13 of coordination between state oversight agencies, has generated  
14 inefficiencies, overlaps in service, and confusion for consumers.  
15 It is the intent of this chapter:

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

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

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

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

24 Sec. 461.002. DEFINITIONS. In this chapter:

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

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

21           Sec. 461.003. RULES OF TEXAS TRANSPORTATION COMMISSION.

22           (a) The commission by rule may:

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

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

6           (b) Except with regard to health and human services programs  
7 funded by this state, the commission may not direct the planning or  
8 operations of an authority created or operating under Chapter 451,  
9 452, or 453.

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

12           Sec. 461.004. DUTIES OF TEXAS DEPARTMENT OF TRANSPORTATION.

13           (a) The department shall identify:

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

18           (2) underused equipment owned by public  
19 transportation providers; and

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

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

25           Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) To  
26 eliminate waste and maximize efficiency, the department shall  
27 encourage public transportation providers to agree on the

1 allocation of specific services and service areas among the  
2 providers. The department may incorporate these discussions in  
3 planning processes such as the development of the statewide  
4 transportation improvement program or a local transportation  
5 improvement plan.

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

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

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

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

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

1 the commission's other responsibilities relating to that area.

2 SECTION 2. Section 455.0015, Transportation Code, is  
3 amended by amending Subsection (b) and adding Subsections (c) and  
4 (d) to read as follows:

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

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

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

27 SECTION 3. Section 455.004, Transportation Code, is amended

1 to read as follows:

2 Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE.

3 (a) A public transportation advisory committee consisting of nine  
4 members shall:

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

8 (2) comment on rules involving public transportation  
9 during development of the rules and before the commission finally  
10 adopts the rules unless an emergency requires immediate commission  
11 action; ~~and~~

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

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

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

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

26 (2) three members who ~~[one member to]~~ represent a  
27 diverse cross-section of transportation users ~~[municipal transit~~

1 ~~systems in urban areas with populations of less than 200,000]; and~~

2 (3) two members who ~~[one member to represent~~  
3 ~~metropolitan transit authorities in urban areas with populations of~~  
4 ~~200,000 or more;~~

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

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

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

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

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

18 SECTION 4. Section 461.012, Health and Safety Code, is  
19 amended by adding Subsection (g) to read as follows:

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

25 SECTION 5. Section 533.012, Health and Safety Code, is  
26 amended to read as follows:

27 Sec. 533.012. COOPERATION OF STATE AGENCIES. (a) At the

1 department's request, all state departments, agencies, officers,  
2 and employees shall cooperate with the department in activities  
3 that are consistent with their functions.

4 (b) 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 for clients of eligible  
8 programs.

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

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

16 SECTION 7. Section 40.002, Human Resources Code, is amended  
17 by adding Subsection (f) to read as follows:

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

22 SECTION 8. Section 91.021, Human Resources Code, is amended  
23 by adding Subsection (g) to read as follows:

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



1 programs.

2 SECTION 9. Section 101.0256, Human Resources Code, is  
3 amended to read as follows:

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

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

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

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

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

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

27 SECTION 12. It is the intent of the legislature that the

1 provision of health and human service transportation through the  
2 Texas Department of Transportation will improve the delivery of  
3 transportation services to clients and enhance their access to  
4 transportation services. Furthermore, it is the intent of the  
5 legislature that these services be provided in a manner that will  
6 generate efficiencies in operation, control costs, and permit  
7 increased levels of service. The Texas Department of  
8 Transportation shall encourage cooperation and coordination among  
9 transportation providers, regional transportation brokers, and  
10 actual and potential clients in an effort to achieve the stated  
11 legislative goals.

12 SECTION 13. Any funds that are used by the Texas Department  
13 of Transportation to implement Sections 2-11 of this Act shall be  
14 accounted for and budgeted separately from other funds appropriated  
15 to that department for any other public transportation program or  
16 budget strategy.

17 SECTION 14. This Act takes effect immediately if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section 39, Article III, Texas Constitution.  
20 If this Act does not receive the vote necessary for immediate  
21 effect, this Act takes effect September 1, 2003.