

By: Harper-Brown, Phillips, Pickett, Bonnen

H.B. No. 2675

Substitute the following for H.B. No. 2675:

By: Phillips

C.S.H.B. No. 2675

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

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

SECTION 1. Section 201.001, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In this chapter, "local transportation entity" means an entity that participates in the transportation planning process, including:

(1) a regional tollway authority under Chapter 366;

(2) a regional transportation authority under Chapter 452;

(3) a rural transit district under Chapter 458; or

(4) a metropolitan planning organization under Subchapter D, Chapter 472.

SECTION 2. Section 201.051, Transportation Code, is amended by amending Subsections (d), (f), (g), (h), and (j) and adding Subsection (b-1) to read as follows:

(b-1) A member of the commission may not accept a contribution to a campaign for election to an elected office. If a commissioner accepts a campaign contribution, the person is considered to have resigned from the office and the office immediately becomes vacant. The vacancy shall be filled in the manner provided by law.

1 (d) A [~~Except as provided by Subsection (e), a~~] person is
2 not eligible to serve [~~for appointment~~] as a member of the
3 commission if the person or the person's spouse:

4 (1) is employed by or participates in the management
5 of a business entity or other organization that is regulated by or
6 receives funds from the department;

7 (2) directly or indirectly owns or controls more than
8 10 percent interest in a business entity or other organization that
9 is regulated by or receives funds from the department;

10 (3) uses or receives a substantial amount of tangible
11 goods, services, or funds from the department, other than
12 compensation or reimbursement authorized by law for commission
13 membership, attendance, or expenses; or

14 (4) is registered, certified, or licensed by the
15 department.

16 (f) An officer, employee, or paid consultant of a Texas
17 trade association in the field of road construction or maintenance,
18 aviation, or outdoor advertising is not eligible to serve as [~~or a~~
19 ~~Texas trade association of automobile dealers may not be~~] a member
20 of the commission.

21 (g) The spouse of an officer, manager, or paid consultant of
22 a Texas trade association in the field of road construction or
23 maintenance, aviation, or outdoor advertising is not eligible to
24 serve as [~~or a Texas association of automobile dealers may not be~~] a
25 member of the commission.

26 (h) A person required to register as a lobbyist under
27 Chapter 305, Government Code, because of the person's activities

1 for compensation on behalf of a profession related to the operation
2 of the department is not eligible to [~~may not~~] serve as a member of
3 the commission.

4 (j) In this section, "Texas trade association" means a
5 [~~nonprofit~~,] cooperative[~~7~~] and voluntarily joined statewide
6 association of business or professional competitors in this state
7 designed to assist its members and its industry or profession in
8 dealing with mutual business or professional problems and in
9 promoting their common interest.

10 SECTION 3. Section 201.053(a), Transportation Code, is
11 amended to read as follows:

12 (a) The governor [~~periodically~~] shall designate one
13 commissioner as the chair of the commission, who shall serve as
14 presiding officer of the commission.

15 SECTION 4. Section 201.057(a), Transportation Code, is
16 amended to read as follows:

17 (a) It is a ground for removal from the commission if a
18 commissioner:

19 (1) does not have at the time of taking office
20 [~~appointment~~] or maintain during service on the commission the
21 qualifications required by Section 201.051;

22 (2) violates a prohibition provided by Section
23 201.051;

24 (3) cannot discharge the commissioner's duties for a
25 substantial part of the term for which the commissioner is
26 appointed because of illness or disability; or

27 (4) is absent from more than half of the regularly

1 scheduled commission meetings that the commissioner is eligible to
2 attend during a calendar year, unless the absence is excused by
3 majority vote of the commission.

4 SECTION 5. Section 201.058, Transportation Code, is amended
5 to read as follows:

6 Sec. 201.058. INFORMATION ON QUALIFICATIONS AND CONDUCT.
7 The department shall provide to the members of the commission, as
8 often as necessary, information concerning the members'
9 qualifications for office [~~under Subchapter B~~] and their
10 responsibilities under applicable laws relating to standards of
11 conduct for state officers.

12 SECTION 6. (a) Subchapter C, Chapter 201, Transportation
13 Code, is amended by adding Section 201.1075 to read as follows:

14 Sec. 201.1075. CHIEF FINANCIAL OFFICER. (a) The
15 department shall employ a chief financial officer. The chief
16 financial officer must be a certified public accountant who is
17 licensed and in good standing in this state.

18 (b) The chief financial officer shall oversee the
19 department's financial activities, including:

20 (1) managing department debt and debt portfolio;
21 (2) programming and scheduling of transportation
22 projects; and

23 (3) letting and management activities associated with
24 project delivery and certifying project letting.

25 (c) The chief financial officer may contract with experts
26 and consultants to assist the department:

27 (1) in matters involving debt management,

1 comprehensive development agreements, regional mobility
2 authorities, toll roads, or public-private partnerships; and

3 (2) in exploring other mechanisms to finance
4 transportation projects.

5 (d) The chief financial officer shall ensure that the
6 department's financial activities are conducted in a transparent
7 and reliable manner.

8 (e) The chief financial officer shall report to the
9 director.

10 (b) Section 201.1075, Transportation Code, as added by this
11 section, does not apply to a person serving as the chief financial
12 officer of the Texas Department of Transportation immediately
13 before the effective date of this Act. Section 201.1075,
14 Transportation Code, as added by this section, applies only to a
15 chief financial officer whose employment begins on or after the
16 effective date of this Act.

17 SECTION 7. Subchapter C, Chapter 201, Transportation Code,
18 is amended by adding Sections 201.118 and 201.119 to read as
19 follows:

20 Sec. 201.118. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
21 RESOLUTION PROCEDURES. (a) The commission shall develop and
22 implement a policy to encourage the use of:

23 (1) negotiated rulemaking procedures under Chapter
24 2008, Government Code, for the adoption of department rules; and

25 (2) appropriate alternative dispute resolution
26 procedures under Chapter 2009, Government Code, to assist in the
27 resolution of internal and external disputes under the department's

1 jurisdiction.

2 (b) The department's procedures relating to alternative
3 dispute resolution must conform, to the extent possible, to any
4 model guidelines issued by the State Office of Administrative
5 Hearings for the use of alternative dispute resolution by state
6 agencies.

7 (c) The department shall:

8 (1) coordinate the implementation of the policy
9 adopted under Subsection (a);

10 (2) provide training as needed to implement the
11 procedures for negotiated rulemaking or alternative dispute
12 resolution; and

13 (3) collect data concerning the effectiveness of those
14 procedures.

15 Sec. 201.119. DIRECTOR PARTICIPATION IN RETIREMENT SYSTEM.

16 (a) In this section, "retirement system" means the Employees
17 Retirement System of Texas.

18 (b) The commission may offer the director optional
19 participation in the retirement system.

20 (c) Notwithstanding Section 812.003, Government Code, the
21 director is not required to be a member of the retirement system if:

22 (1) the director is offered under this section the
23 option of whether to be a member of the system; and

24 (2) the director elects not to be a member of the
25 system.

26 (d) If the director elects under Subsection (c) not to be a
27 member of the retirement system, the annual salary set as

1 compensation for the position is increased by the amount that the
2 state would have contributed to the retirement program for that
3 position for that year if the person were a member of the system.

4 (e) An election under this section does not affect the
5 director's eligibility to participate as an employee in the group
6 benefits program under Chapter 1551, Insurance Code.

7 SECTION 8. Section 201.204, Transportation Code, is amended
8 to read as follows:

9 Sec. 201.204. SUNSET PROVISION. The Texas Department of
10 Transportation is subject to Chapter 325, Government Code (Texas
11 Sunset Act). Unless continued in existence as provided by that
12 chapter, the department is abolished September 1, 2015 [~~2011~~].

13 SECTION 9. Subchapter D, Chapter 201, Transportation Code,
14 is amended by adding Section 201.2041 to read as follows:

15 Sec. 201.2041. SUBMISSION OF FINANCIAL AUDIT TO SUNSET
16 COMMISSION. (a) The department shall submit with its agency report
17 under Section 325.007, Government Code, a complete and detailed
18 financial audit conducted by an independent certified public
19 accountant.

20 (b) Subsection (a) does not apply if the department is
21 subject to sunset review during the previous two-year period.

22 SECTION 10. Subchapter D, Chapter 201, Transportation Code,
23 is amended by adding Sections 201.210 and 201.211 to read as
24 follows:

25 Sec. 201.210. LEGISLATIVE LOBBYING. (a) In addition to
26 Section 556.006, Government Code, the commission or a department
27 employee may not use money under the department's control or engage

1 in an activity to influence the passage or defeat of legislation.

2 (b) Violation of Subsection (a) is grounds for dismissal of
3 an employee.

4 (c) This section does not prohibit the commission or
5 department employee from using state resources to:

6 (1) provide public information or information
7 responsive to a request; or

8 (2) communicate with officers and employees of the
9 federal government regarding federal appropriations and programs.

10 (d) The department may not spend any money appropriated to
11 the department for the purpose of selecting, hiring, or retaining a
12 person required to register under Chapter 305, Government Code, or
13 the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq.),
14 unless that expenditure is allowed under other law.

15 Sec. 201.211. ETHICS AFFIRMATION AND HOTLINE. (a) A
16 department employee shall annually affirm the employee's adherence
17 to the ethics policy adopted under Section 572.051(c), Government
18 Code.

19 (b) The department shall establish and operate a telephone
20 hotline that enables a person to call the hotline number,
21 anonymously or not anonymously, to report alleged fraud, waste, or
22 abuse or an alleged violation of the ethics policy adopted under
23 Section 572.051(c), Government Code.

24 SECTION 11. Section 201.401(a), Transportation Code, is
25 amended to read as follows:

26 (a) A person may not be an employee of the department who is
27 employed in a "bona fide executive, administrative, or professional

1 capacity," as that phrase is used for purposes of establishing an
2 exemption to the overtime provisions of the federal Fair Labor
3 Standards Act of 1938 (29 U.S.C. Section 201 et seq.), [~~exempt from~~
4 ~~the state's position classification plan or compensated at or above~~
5 ~~the amount prescribed by the General Appropriations Act for step 1,~~
6 ~~salary group 17, of the position classification salary schedule] if
7 the person is:~~

8 (1) an officer, employee, or paid consultant of a
9 Texas trade association[+]

10 [~~(A)~~] in the field of road construction or
11 maintenance or outdoor advertising; or

12 [~~(B) of automobile dealers; or~~]

13 (2) the spouse of an officer, manager, or paid
14 consultant described by Subdivision (1).

15 SECTION 12. Section 201.404, Transportation Code, is
16 amended by adding Subsections (b-1) and (b-2) to read as follows:

17 (b-1) If an annual performance evaluation indicates
18 unsatisfactory performance by an employee employed in a position at
19 or above the level of district engineer, the commission shall
20 consider whether the employee should be terminated. The annual
21 performance evaluation of a position described by this subsection
22 must include an evaluation of an employee's:

23 (1) professionalism;

24 (2) diligence; and

25 (3) responsiveness to directives and requests from the
26 commission and the legislature.

27 (b-2) If an annual performance evaluation indicates

1 unsatisfactory performance by an employee employed in a position
2 that is below the level of district engineer, the department shall
3 consider whether the employee should be terminated. The department
4 shall provide a report to the commission regarding employees whose
5 performances were unsatisfactory but who were not terminated.

6 SECTION 13. Chapter 201, Transportation Code, is amended by
7 adding Subchapter F-1 to read as follows:

8 SUBCHAPTER F-1. INSPECTOR GENERAL

9 Sec. 201.451. INSPECTOR GENERAL. (a) The commission may
10 appoint an inspector general who reports to the commission.

11 (b) If appointed, the inspector general shall:

12 (1) audit the department's financial condition and the
13 efficiency of its business practices;

14 (2) evaluate the efficiency of the department's
15 administrative practices and performance, including business plan
16 performance measures, relationships with metropolitan planning
17 organizations, performance of department districts and offices,
18 and the need for standardization;

19 (3) identify the need and opportunities for reductions
20 in staff and the need for a better or differently skilled workforce;

21 (4) study the implementation of and improvements to a
22 commitment-based budget or business plan based on outcomes;

23 (5) identify ways to streamline the environmental
24 approval process;

25 (6) evaluate compliance with applicable laws and
26 legislative intent; and

27 (7) evaluate the efficient use of available funding,

1 personnel, equipment, and office space.

2 Sec. 201.452. COOPERATION AND COORDINATION WITH STATE
3 AUDITOR. (a) An inspector general's review does not take
4 precedence over the state auditor's review.

5 (b) The inspector general may meet with the state auditor's
6 office to coordinate a review conducted under this subchapter,
7 share information, or schedule work plans.

8 (c) In addition to the authority in Chapter 321, Government
9 Code, the state auditor is entitled to access all information
10 maintained by the inspector general, including vouchers,
11 electronic data, internal records, and other information.

12 (d) Any information obtained or provided by the state
13 auditor under this section is confidential and not subject to
14 disclosure under Chapter 552, Government Code.

15 Sec. 201.453. FINAL REVIEW REPORTS. (a) The inspector
16 general shall prepare a final report for each review conducted
17 under Section 201.451. The final report must include:

18 (1) a summary of the activities performed by the
19 inspector general in conducting the review; and

20 (2) a description of any findings in connection with a
21 review conducted under Section 201.451.

22 (b) An inspector general's final reports are subject to
23 disclosure under Chapter 552, Government Code.

24 (c) Unless otherwise prohibited by this chapter or other
25 law, the inspector general shall deliver a copy of each final report
26 that concerns the implementation or administration of a state or
27 federally funded program to:

- 1 (1) the commission and the executive director;
- 2 (2) the governor;
- 3 (3) the lieutenant governor;
- 4 (4) the speaker of the house of representatives;
- 5 (5) the state auditor; and
- 6 (6) the appropriate legislative oversight committees.

7 SECTION 14. Section 201.601, Transportation Code, is
8 amended to read as follows:

9 Sec. 201.601. STATEWIDE TRANSPORTATION PLAN. (a) The
10 department shall develop a statewide transportation plan covering a
11 period of at least 20 years. The plan must include:

- 12 (1) the statewide transportation improvement program;
- 13 (2) a 10-year developmental program to guide the
14 development of and authorize construction of transportation
15 projects for the mid-term period of the statewide transportation
16 improvement program; and

17 (3) specific, long-term transportation goals for
18 ~~[that contains]~~ all modes of transportation, including:

- 19 (A) [~~(1)~~] highways and turnpikes;
- 20 (B) [~~(2)~~] aviation;
- 21 (C) [~~(3)~~] mass transportation;
- 22 (D) [~~(4)~~] railroads and high-speed railroads;
- 23 and
- 24 (E) [~~(5)~~] water traffic.

25 (a-1) The plan must:

- 26 (1) contain specific, long-term transportation goals
27 for the state and measurable targets for each goal;

1 (2) identify priority projects or areas of the state
2 that are of particular concern to the department in meeting the
3 goals established under Subdivision (1); and

4 (3) contain a participation plan specifying methods
5 for obtaining formal input on the goals and priorities identified
6 under this subsection from:

7 (A) other state agencies;

8 (B) political subdivisions;

9 (C) local transportation entities; and

10 (D) the general public.

11 (b) [~~In developing the plan, the department shall seek~~
12 ~~opinions and assistance from other state agencies and political~~
13 ~~subdivisions that have responsibility for the modes of~~
14 ~~transportation listed by Subsection (a).]~~ As appropriate, the
15 department and the entities listed in Subsection (a-1)(3) [~~such an~~
16 ~~agency or political subdivision]~~ shall enter into a memorandum of
17 understanding relating to the planning of transportation services.

18 (c) The plan must include a component that is not
19 financially constrained and identifies transportation improvements
20 designed to relieve congestion. In developing this component of
21 the plan, the department shall seek opinions and assistance from
22 officials who have local responsibility for modes of transportation
23 listed in Subsection (a).

24 (d) [~~The plan shall include a component, published~~
25 ~~annually, that describes the evaluation of transportation~~
26 ~~improvements based on performance measures, such as indices~~
27 ~~measuring delay reductions or travel time improvements.] The~~

1 department shall consider the goals and measurable targets
2 established under Subsection (a-1)(1) [~~the performance measures~~]
3 in selecting transportation projects [~~improvements~~].

4 (e) The department annually shall provide to the lieutenant
5 governor, the speaker of the house of representatives, and the
6 chair of the standing committee of each house of the legislature
7 with primary jurisdiction over transportation issues an analysis of
8 the department's progress in attaining the goals under Subsection
9 (a-1)(1). The department shall make the information under this
10 subsection available on its Internet website.

11 (f) The department shall update the plan every four years,
12 or more frequently if necessary.

13 SECTION 15. Subchapter H, Chapter 201, Transportation Code,
14 is amended by adding Section 201.6015 to read as follows:

15 Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. In
16 developing each of its transportation plans and policy efforts, the
17 department must clearly reference the statewide transportation
18 plan under Section 201.601 and specify how the plan or policy effort
19 supports or otherwise relates to the specific goals under that
20 section.

21 SECTION 16. Section 201.616(a), Transportation Code, is
22 amended to read as follows:

23 (a) Not later than December 1 of each year, the department
24 shall submit a report to the legislature that details:

25 (1) the expenditures made by the department in the
26 preceding state fiscal year in connection with:

27 (A) the developmental [~~unified transportation~~]

1 program of the department;

2 (B) turnpike projects and toll roads of the
3 department;

4 (C) the Trans-Texas Corridor;

5 (D) rail facilities described in Chapter 91; and

6 (E) non-highway facilities on the Trans-Texas
7 Corridor if those expenditures are subject to Section 227.062(c);

8 (2) the amount of bonds or other public securities
9 issued for transportation projects; and

10 (3) the direction of money by the department to a
11 regional mobility authority in this state.

12 SECTION 17. Subchapter H, Chapter 201, Transportation Code,
13 is amended by adding Section 201.620 to read as follows:

14 Sec. 201.620. COORDINATION WITH METROPOLITAN PLANNING
15 ORGANIZATIONS TO DEVELOP LONG-TERM PLANNING ASSUMPTIONS. The
16 department shall collaborate with metropolitan planning
17 organizations to develop mutually acceptable assumptions for the
18 purposes of long-range federal and state funding forecasts and use
19 those assumptions to guide long-term planning in the statewide
20 transportation plan under Section 201.601.

21 SECTION 18. Section 201.710(c), Transportation Code, is
22 amended to read as follows:

23 (c) The department shall include projects related to ports
24 of entry in its developmental [~~unified transportation~~] program or
25 any successor to that program.

26 SECTION 19. (a) Section 201.801, Transportation Code, is
27 amended to read as follows:

1 Sec. 201.801. [~~INFORMATION ABOUT DEPARTMENT,~~] COMPLAINTS.

2 (a) The department shall maintain a system to promptly and
3 efficiently act on complaints filed with the department. The
4 department shall maintain information about the parties to and the
5 subject matter of a complaint and a summary of the results of the
6 review or investigation of the complaint and the disposition of the
7 complaint.

8 (b) The department shall make information available
9 describing its procedures for complaint investigation and
10 resolution [~~prepare information of public interest describing the~~
11 ~~functions of the department and the department's procedures by~~
12 ~~which a complaint is filed with the department and resolved by the~~
13 ~~department. The department shall make the information available to~~
14 ~~the public and appropriate state agencies].~~

15 [~~(b) The commission by rule shall establish methods by which~~
16 ~~consumers and service recipients are notified of the department's~~
17 ~~name, mailing address, and telephone number for directing~~
18 ~~complaints to the department. The commission may provide for that~~
19 ~~notification:~~

20 [~~(1) on each registration form, application, or~~
21 ~~written contract for services of an individual or entity regulated~~
22 ~~by the department,~~

23 [~~(2) on a sign prominently displayed in the place of~~
24 ~~business of each individual or entity regulated by the department,~~
25 ~~or~~

26 [~~(3) in a bill for service provided by an individual or~~
27 ~~entity regulated by the department.]~~

1 (c) ~~[The department shall:~~

2 ~~[(1) keep an information file about each written~~
3 ~~complaint filed with the department that the department has the~~
4 ~~authority to resolve, and~~

5 ~~[(2) provide the person who filed the complaint, and~~
6 ~~each person or entity that is the subject of the complaint,~~
7 ~~information about the department's policies and procedures~~
8 ~~relating to complaint investigation and resolution.~~

9 ~~[(d)] The department[, at least quarterly and until final~~
10 ~~disposition of a written complaint that is filed with the~~
11 ~~department and that the department has the authority to resolve,]~~
12 shall periodically notify the parties to the complaint of its
13 status until final disposition unless the notice would jeopardize
14 an undercover investigation.

15 (d) The commission shall adopt rules applicable to each
16 division and district to establish a process to act on complaints
17 filed with the department ~~[(e) With regard to each complaint filed~~
18 ~~with the department, the department shall keep the following~~
19 ~~information:~~

20 ~~[(1) the date the complaint is filed,~~

21 ~~[(2) the name of the person filing the complaint,~~

22 ~~[(3) the subject matter of the complaint,~~

23 ~~[(4) a record of each person contacted in relation to~~
24 ~~the complaint,~~

25 ~~[(5) a summary of the results of the review or~~
26 ~~investigation of the complaint, and~~

27 ~~[(6) if the department takes no action on the~~

1 ~~complaint, an explanation of the reasons that no action was taken].~~

2 (e) The department shall develop a standard form for
3 submitting a complaint and make the form available on its Internet
4 website. The department shall establish a method to submit
5 complaints electronically.

6 (f) The department shall develop a method for analyzing the
7 sources and types of complaints and violations and establish
8 categories for the complaints and violations. The department shall
9 use the analysis to focus its information and education efforts on
10 specific problem areas identified through the analysis.

11 (g) The department shall:

12 (1) compile:

13 (A) detailed statistics and analyze trends on
14 complaint information, including:

15 (i) the nature of the complaints;

16 (ii) their disposition; and

17 (iii) the length of time to resolve
18 complaints;

19 (B) complaint information on a district and a
20 divisional basis; and

21 (C) the number of similar complaints filed, and
22 the number of persons who filed each complaint; and

23 (2) report the information, statistics, and analysis
24 on a monthly basis to the division directors, office directors, and
25 district engineers and on a quarterly basis to the commission.

26 (b) The Texas Transportation Commission shall adopt rules
27 under Section 201.801, Transportation Code, as amended by this

1 section, not later than March 1, 2012.

2 SECTION 20. Section 201.802(a), Transportation Code, is
3 amended to read as follows:

4 (a) The commission shall develop and implement policies
5 that provide the public with a reasonable opportunity to appear
6 before the commission and speak on any issue under the jurisdiction
7 of the department [~~commission~~].

8 SECTION 21. Subchapter J, Chapter 201, Transportation Code,
9 is amended by adding Sections 201.807, 201.808, 201.809, 201.810,
10 and 201.811 to read as follows:

11 Sec. 201.807. PROJECT INFORMATION REPORTING SYSTEM. (a)
12 The department shall establish a project information reporting
13 system that makes available in a central location on the
14 department's Internet website easily accessible and searchable
15 information regarding all of the department's transportation
16 plans, including the developmental program required by Section
17 201.991. The department shall post information on its Internet
18 website as required by this subsection as the information becomes
19 available to the department and in a manner that is not cost
20 prohibitive. The project information reporting system shall
21 contain information about:

- 22 (1) each department project, including:
23 (A) the status of the project;
24 (B) each source of funding for the project;
25 (C) benchmarks for evaluating the progress of the
26 project;
27 (D) timelines for completing the project;

1 (E) a list of the department employees
2 responsible for the project, including information to contact each
3 person on that list; and

4 (F) the results of the annual review required
5 under Subsection (d);

6 (2) each construction work zone for a project that has
7 a construction phase timeline that exceeds one month or the cost of
8 which exceeds \$5 million, including information about:

9 (A) the number of lanes that will remain open
10 during the project's construction phase;

11 (B) the location and duration of each lane
12 closure; and

13 (C) the expected traffic delay resulting from
14 each lane closure;

15 (3) road maintenance projects, including:

16 (A) the criteria for designating a project as a
17 road maintenance project; and

18 (B) the condition of each road before the road
19 maintenance project; and

20 (4) the department's funds, including each source for
21 the department's funds and each expenditure made by the department
22 reported by each:

23 (A) department district;

24 (B) program funding category as required by
25 Section 201.991(b)(2); and

26 (C) type of revenue, including revenue from a
27 comprehensive development agreement or a toll project.

1 (b) In developing the project information reporting system,
2 the department shall collaborate with:

3 (1) the legislature;

4 (2) local transportation entities; and

5 (3) members of the public.

6 (c) The department shall make the information provided
7 under this section available on the department's Internet website
8 in more than one downloadable electronic format.

9 (d) As a component of the project information reporting
10 system required by this section, the department shall conduct an
11 annual review of the benchmarks and timelines of each project
12 included in the department's transportation plans, including the
13 developmental program, to determine the completion rates of the
14 projects and whether the projects were completed on time.

15 (e) The department shall update the information contained
16 in the project information reporting system on a regular basis, as
17 specified by commission rule.

18 Sec. 201.808. TRANSPORTATION EXPENDITURE PRIORITIES. (a)
19 The department shall develop a process to identify and distinguish
20 between the transportation projects that are required to maintain
21 the state infrastructure and the transportation projects that would
22 improve the state infrastructure in a manner consistent with the
23 statewide transportation plan required by Section 201.601.

24 (b) The department shall establish a transportation
25 expenditure reporting system that makes available in a central
26 location on the department's Internet website easily accessible and
27 searchable information regarding the priorities of transportation

1 expenditures for the identified transportation projects.

2 (c) The department shall include in the transportation
3 expenditure reporting system:

4 (1) a list of the most significant transportation
5 problems in each department district as described by the statewide
6 transportation plan developed under Section 201.601, including the
7 component required by Section 201.601(c);

8 (2) reports prepared by the department or an
9 institution of higher education that evaluate the effectiveness of
10 the department's expenditures on transportation projects to
11 achieve the transportation goal;

12 (3) information about the condition of the pavement
13 for each highway under the jurisdiction of the department,
14 including:

15 (A) the international roughness index issued by
16 the United States Department of Transportation Federal Highway
17 Administration; and

18 (B) the percentage of pavement that the
19 department determines to be in good or better condition;

20 (4) the condition of bridges, including information
21 about:

22 (A) bridges that are structurally deficient or
23 functionally obsolete; and

24 (B) bridge condition scores;

25 (5) information about traffic congestion and traffic
26 delays, including:

27 (A) the locations of the worst traffic delays;

1 (B) the variable travel time for major streets
2 and highways in this state; and

3 (C) the effect of traffic congestion on motor
4 vehicle travel and motor carriers; and

5 (6) information about the number of traffic accidents,
6 injuries, and fatalities, including a list of the locations in each
7 department district for the highest number of traffic accidents,
8 injuries, or fatalities, as that information becomes available to
9 the department.

10 (d) The department shall provide the information made
11 available under Subsection (c) in a format that allows a person to
12 conduct electronic searches for information regarding a specific
13 county, highway under the jurisdiction of the department, or type
14 of road.

15 (e) The department shall establish criteria to prioritize
16 the transportation needs for the state that is consistent with the
17 statewide transportation plan.

18 (f) Each department district shall enter information into
19 the transportation expenditure reporting system, including
20 information about:

21 (1) each district transportation project; and

22 (2) the category to which the project has been
23 assigned and the priority of the project according to Section
24 201.995.

25 (g) The transportation expenditure reporting system shall
26 allow a person to compare information produced by that system to
27 information produced by the project information reporting system.

1 Sec. 201.809. STATEWIDE TRANSPORTATION REPORT. (a) The
2 department annually shall evaluate and publish a report about the
3 status of each transportation goal for this state. The report must
4 include:

5 (1) information about the progress of each long-term
6 transportation goal that is identified by the statewide
7 transportation plan;

8 (2) the status of each project identified as a major
9 priority;

10 (3) a summary of the number of statewide project
11 implementation benchmarks that have been completed; and

12 (4) information about the accuracy of previous
13 department financial forecasts.

14 (b) The department shall disaggregate the information in
15 the report by department district.

16 (c) The department shall provide a copy of the district
17 report to each member of the legislature for each department
18 district located in the member's legislative district, and at the
19 request of a member, a department employee shall meet with the
20 member to explain the report.

21 (d) The department shall provide a copy of each district
22 report to the political subdivisions located in the department
23 district that is the subject of the report, including:

24 (1) a municipality;

25 (2) a county; and

26 (3) a local transportation entity.

27 Sec. 201.810. DEPARTMENT INFORMATION CONSOLIDATION. (a) To

1 the extent practicable and to avoid duplication of reporting
2 requirements, the department may combine the reports required under
3 this subchapter with reports required under other provisions of
4 this code.

5 (b) The department shall develop a central location on the
6 department's Internet website that provides easily accessible and
7 searchable information to the public contained in the reports
8 required under this subchapter and other provisions of this code.

9 Sec. 201.811. PUBLIC INVOLVEMENT POLICY. (a) The
10 department shall develop and implement a policy for public
11 involvement that guides and encourages public involvement with the
12 department. The policy must:

13 (1) provide for the use of public involvement
14 techniques that target different groups and individuals;

15 (2) encourage continuous contact between the
16 department and persons outside the department throughout the
17 transportation decision-making process;

18 (3) require the department to make efforts toward:

19 (A) clearly tying public involvement to
20 decisions made by the department; and

21 (B) providing clear information to the public
22 about specific outcomes of public input;

23 (4) apply to all public input with the department,
24 including input:

25 (A) on statewide transportation policy-making;

26 (B) in connection with the environmental process
27 relating to specific projects; and

1 (C) into the commission's rulemaking procedures;

2 and

3 (5) require a person who makes or submits a public
4 comment, at the time the comment is made or disclosed, to disclose
5 whether the person:

6 (A) does business with the department;

7 (B) may benefit from a project; or

8 (C) is an employee of the department.

9 (b) The department shall document the number of positive,
10 negative, or neutral public comments received regarding all
11 environmental impact statements as expressed by the public through
12 the department's public involvement process. The department shall:

13 (1) present this information to the commission in an
14 open meeting; and

15 (2) report this information on the department's
16 Internet website in a timely manner.

17 SECTION 22. Chapter 201, Transportation Code, is amended by
18 adding Subchapter P to read as follows:

19 SUBCHAPTER P. DEVELOPMENTAL PROGRAM

20 Sec. 201.991. DEVELOPMENTAL PROGRAM. (a) The
21 developmental program required as part of the statewide
22 transportation plan under Section 201.601 must:

23 (1) annually identify target funding levels; and

24 (2) list all projects that the department intends to
25 develop or begin construction of during the program period.

26 (b) The commission shall adopt rules that:

27 (1) specify the criteria for selecting projects to be

1 included in the program;

2 (2) define program funding categories, including
3 categories for safety, maintenance, and mobility; and

4 (3) define each phase of a major transportation
5 project, including the planning, programming, implementation, and
6 construction phases.

7 (c) The department shall publish the developmental program
8 as part of the entire statewide transportation plan, including
9 summary documents highlighting project benchmarks, priorities, and
10 forecasts, in appropriate media and on the department's Internet
11 website in a format that is easily understandable by the public.

12 (d) In developing the rules required by this section, the
13 commission shall collaborate with local transportation entities.

14 Sec. 201.992. ANNUAL UPDATE TO DEVELOPMENTAL PROGRAM. (a)
15 The department shall annually update the developmental program.

16 (b) The annual update must include:

17 (1) the annual funding forecast required by Section
18 201.993;

19 (2) the list of major transportation projects required
20 by Section 201.994(b); and

21 (3) the category to which the project has been
22 assigned and the priority of the project in the category
23 established by Section 201.995.

24 (c) The department shall collaborate with local
25 transportation entities to develop the annual update to the
26 developmental program.

27 Sec. 201.993. ANNUAL FUNDING AND CASH FLOW FORECASTS. (a)

1 The department annually shall:

2 (1) develop and publish a forecast of all funds the
3 department expects to receive, including funds from this state and
4 the federal government; and

5 (2) use that forecast to guide planning for the
6 developmental program.

7 (b) The department shall collaborate with local
8 transportation entities to develop scenarios for the forecast
9 required by Subsection (a) based on mutually acceptable funding
10 assumptions.

11 (c) Not later than September 1 of each year, the department
12 shall prepare and publish a cash flow forecast for a period of 20
13 years.

14 Sec. 201.994. MAJOR TRANSPORTATION PROJECTS. (a) The
15 commission by rule shall:

16 (1) establish criteria for designating a project as a
17 major transportation project;

18 (2) develop benchmarks for evaluating the progress of
19 a major transportation project and timelines for implementation and
20 construction of a major transportation project; and

21 (3) determine which critical benchmarks must be met
22 before a major transportation project may enter the implementation
23 phase of the developmental program.

24 (b) The department annually shall update the list of
25 projects that are designated as major transportation projects.

26 (c) In adopting rules required by this section, the
27 commission shall collaborate with local transportation entities.

1 Sec. 201.995. PRIORITY PROJECTS IN PROGRAM CATEGORIES. (a)

2 The commission by rule shall:

3 (1) establish categories in the developmental
4 program;

5 (2) assign each project identified in the program to a
6 category; and

7 (3) designate the priority ranking of each project
8 within each category.

9 (b) The department shall collaborate with local
10 transportation entities when assigning each project included in the
11 developmental program to a category established under Subsection
12 (a).

13 (c) The highest priority projects within an applicable
14 category of the developmental program must be projects designated
15 as major transportation projects.

16 Sec. 201.996. FUNDING ALLOCATION FORMULAS AND CATEGORIES.

17 (a) For each funding category established under Section
18 201.991(b)(2), the commission by rule shall specify the formulas
19 for allocating funds to districts and metropolitan planning
20 organizations for:

21 (1) preventive maintenance and rehabilitation of the
22 state highway system in all districts;

23 (2) mobility and added capacity projects in
24 metropolitan and urban areas;

25 (3) mobility and added capacity projects on major
26 state highways that provide statewide connectivity between urban
27 areas and highway system corridors;

1 (4) congestion mitigation and air quality improvement
2 projects in nonattainment areas;

3 (5) metropolitan mobility and added capacity projects
4 within the boundaries of designated metropolitan planning areas of
5 metropolitan planning organizations located in a transportation
6 management area;

7 (6) transportation enhancements project funding; and

8 (7) projects eligible for federal or state funding, as
9 determined by the applicable district engineer.

10 (b) Subject to applicable state and federal law, the
11 commission shall determine the allocation of funds in all of the
12 other categories established under Section 201.991(b)(2),
13 including a category for projects of specific importance to the
14 state, including projects that:

15 (1) promote economic opportunity;

16 (2) increase efficiency on military deployment routes
17 or that retain military assets; and

18 (3) maintain the ability of appropriate entities to
19 respond to emergencies.

20 (c) The commission shall update the formulas established
21 under this section at least every four years.

22 (d) In determining the amount of funding in each program
23 funding category, the commission shall consider the input of:

24 (1) metropolitan planning organizations;

25 (2) transportation officials;

26 (3) local government officials; and

27 (4) other stakeholders.

1 (e) In selecting projects in a program funding category, the
2 department shall cooperate with metropolitan planning
3 organizations and other stakeholders.

4 (f) All funds received by the department for highways,
5 including toll roads and toll road systems, that may be allocated in
6 this state's or the department's discretion shall be allocated by a
7 formula to each district and metropolitan planning organization
8 that is based on performance measures and includes at least the
9 following criteria:

10 (1) centerline miles;

11 (2) level of congestion;

12 (3) percentage of population below federal poverty
13 level;

14 (4) population;

15 (5) safety; and

16 (6) vehicle miles traveled.

17 Sec. 201.997. WORK PROGRAM. (a) Each department district
18 shall develop a consistently formatted work program based on the
19 developmental program covering a period of four years that contains
20 all projects that the district proposes to implement during that
21 period.

22 (b) The work program must contain:

23 (1) information regarding the progress of projects
24 designated as major transportation projects, according to project
25 implementation benchmarks and timelines established under Section
26 201.994; and

27 (2) a summary of the progress on other district

1 projects.

2 (c) The department shall use the work program to:

3 (1) monitor the performance of the district; and

4 (2) evaluate the performance of district employees.

5 (d) The department shall publish the work program in
6 appropriate media and on the department's Internet website.

7 SECTION 23. Section 202.021, Transportation Code, is
8 amended by amending Subsection (e) and adding Subsection (e-1) to
9 read as follows:

10 (e) The commission may waive payment for real property
11 transferred to a governmental entity under this section if:

12 (1) the estimated cost of future maintenance on the
13 property equals or exceeds the fair value of the property; or

14 (2) the property is a highway right-of-way and the
15 governmental entity assumes or has assumed jurisdiction, control,
16 and maintenance of the right-of-way for public road purposes.

17 (e-1) A grant transferring real property under Subsection
18 (e)(2) must contain a reservation providing that if property
19 described by that subsection ceases to be used for public road
20 purposes, that real property shall immediately and automatically
21 revert to this state.

22 SECTION 24. Section 223.002, Transportation Code, is
23 amended to read as follows:

24 Sec. 223.002. NOTICE OF BIDS [~~BY PUBLICATION~~]. [~~(a)~~] The
25 department shall give [~~publish~~] notice to interested persons
26 regarding [~~of~~] the time and place at which bids on a contract will
27 be opened and the contract awarded. The commission by rule shall

1 determine the most effective method for providing the notice
2 required by this section.

3 ~~[(b) The notice must be published in a newspaper published~~
4 ~~in the county in which the improvement is to be made once a week for~~
5 ~~at least two weeks before the time set for awarding the contract and~~
6 ~~in two other newspapers that the department may designate.~~

7 ~~[(c) Instead of the notice required by Subsection (b), if~~
8 ~~the department estimates that the contract involves an amount less~~
9 ~~than \$300,000, notice may be published in two successive issues of a~~
10 ~~newspaper published in the county in which the improvement is to be~~
11 ~~made.~~

12 ~~[(d) If a newspaper is not published in the county in which~~
13 ~~the improvement is to be made, notice shall be published in a~~
14 ~~newspaper published in the county:~~

15 ~~[(1) nearest the county seat of the county in which the~~
16 ~~improvement is to be made, and~~

17 ~~[(2) in which a newspaper is published.]~~

18 SECTION 25. Subchapter A, Chapter 223, Transportation Code,
19 is amended by adding Section 223.017 to read as follows:

20 Sec. 223.017. DESIGN-BUILD CONTRACTS FOR NONTOLLED HIGHWAY
21 PROJECTS. (a) In this section, "design-build contract" means an
22 agreement with a private entity for the design and construction,
23 rehabilitation, expansion, or improvement of a highway project but
24 does not include the financing or operation of the highway.

25 (b) The department may enter into a design-build contract
26 for a nontolled highway project.

27 (c) Notwithstanding Section 223.0041, if the department

1 enters into a design-build contract under this section, the
2 department shall use a competitive procurement process that
3 provides the best value for the department.

4 (d) The commission shall adopt rules specifying the
5 conditions under which a design-build contract may be considered.
6 In developing rules the commission must address:

7 (1) the size and complexity of an eligible project;
8 (2) the time constraints for delivery of an eligible
9 project;

10 (3) the level and training of the staff required to
11 manage an eligible project; and

12 (4) other factors the commission considers important.

13 SECTION 26. Section 223.208(c), Transportation Code, is
14 amended to read as follows:

15 (c) The department may enter into a comprehensive
16 development agreement under this subchapter or under Section
17 227.023(c) with a private participant only if the project is
18 identified in the department's developmental [~~unified~~
19 ~~transportation~~] program or is located on a transportation corridor
20 identified in the statewide transportation plan.

21 SECTION 27. Section 227.034(a), Transportation Code, is
22 amended to read as follows:

23 (a) A contract for the acquisition, construction,
24 maintenance, or operation of a facility on the Trans-Texas Corridor
25 may not contain a provision that limits or prohibits construction
26 or operation of a highway or other transportation project that is:

27 (1) included in the developmental [~~unified~~

1 ~~transportation~~] program of the department in effect at the time the
2 contract is executed;

3 (2) a project of a local government; or

4 (3) constructed or operated for the safety of
5 pedestrian or vehicular traffic.

6 SECTION 28. Section 227.062(e), Transportation Code, is
7 amended to read as follows:

8 (e) The commission may not disburse money from the state
9 highway fund or the Texas mobility fund to construct a portion of
10 the Trans-Texas Corridor unless it would replace or supplement a
11 project identified in the department's developmental [~~unified~~
12 ~~transportation~~] program or a transportation corridor identified in
13 the statewide transportation plan.

14 SECTION 29. Section 228.0055(c), Transportation Code, is
15 amended to read as follows:

16 (c) The commission or the department may not:

17 (1) revise the formula as provided in the department's
18 developmental [~~unified transportation~~] program, or its successor
19 document, in a manner that results in a decrease of a department
20 district's allocation because of a payment under Subsection (a); or

21 (2) take any other action that would reduce funding
22 allocated to a department district because of payments received
23 under a comprehensive development agreement.

24 SECTION 30. Section 228.006(b), Transportation Code, is
25 amended to read as follows:

26 (b) The commission may not revise the formula as provided in
27 the department's developmental [~~unified transportation~~] program,

1 or its successor document, in a manner that results in a decrease of
2 a district's allocation because of a payment under Subsection (a).

3 SECTION 31. Section 228.012(e), Transportation Code, is
4 amended to read as follows:

5 (e) The commission or the department may not:

6 (1) revise the formula as provided in the department's
7 developmental [~~unified transportation~~] program or a successor
8 document in a manner that results in a decrease of a department
9 district's allocation because of the deposit of a payment into a
10 project subaccount or a commitment to undertake an additional
11 transportation project under Section 228.0111; or

12 (2) take any other action that would reduce funding
13 allocated to a department district because of the deposit of a
14 payment received from the department or local toll project entity
15 into a project subaccount or a commitment to undertake an
16 additional transportation project under Section 228.0111.

17 SECTION 32. Section 228.117, Transportation Code, is
18 amended to read as follows:

19 Sec. 228.117. FUNDING FOR DEPARTMENT DISTRICT. The
20 commission may not revise the formula as provided in the
21 department's developmental [~~unified transportation~~] program, or
22 its successor document, in a manner that results in a decrease of a
23 district's allocation because revenue bonds are issued for a toll
24 project located within the department district.

25 SECTION 33. Section 362.902, Transportation Code, is
26 amended to read as follows:

27 Sec. 362.902. INCLUSION OF TOLL PROJECTS IN DEVELOPMENTAL

1 ~~[UNIFIED TRANSPORTATION]~~ PROGRAM. The department shall adopt and
2 include in the developmental ~~[unified transportation]~~ program of
3 the department a list of transportation projects in each department
4 district that the department considers to be eligible and feasible
5 for tolling. A transportation project that is included in the list
6 is not required to be operated as a toll project.

7 SECTION 34. Section 366.407(c), Transportation Code, is
8 amended to read as follows:

9 (c) An authority may enter into a comprehensive development
10 agreement under this subchapter with a private participant only if
11 the project is identified in the department's developmental
12 ~~[unified transportation]~~ program or is located on a transportation
13 corridor identified in the statewide transportation plan.

14 SECTION 35. Section 370.311(c), Transportation Code, is
15 amended to read as follows:

16 (c) An authority may only enter into a comprehensive
17 development agreement under Section 370.305 with a private equity
18 investor if the project is identified in the department's
19 developmental ~~[unified transportation]~~ program or is located on a
20 transportation corridor identified in the statewide transportation
21 plan.

22 SECTION 36. Section 391.004, Transportation Code, is
23 amended to read as follows:

24 Sec. 391.004. DISPOSITION OF FEES ~~[TEXAS HIGHWAY~~
25 ~~BEAUTIFICATION FUND ACCOUNT]~~. ~~[The Texas highway beautification~~
26 ~~fund account is an account in the general revenue fund.]~~ Money the
27 commission receives under this chapter shall be deposited to the

1 credit of the state [~~Texas~~] highway [~~beautification~~] fund
2 [~~account~~]. The commission shall use money in the state [~~Texas~~]
3 highway [~~beautification~~] fund [~~account~~] to administer this chapter
4 and Chapter 394.

5 SECTION 37. (a) Subchapter A, Chapter 391, Transportation
6 Code, is amended by adding Section 391.006 to read as follows:

7 Sec. 391.006. COMPLAINTS; RECORDS. (a) The commission by
8 rule shall establish procedures for accepting and resolving written
9 complaints related to outdoor advertising under this chapter. The
10 rules must include:

11 (1) a process to make information available describing
12 the department's procedures for complaint investigation and
13 resolution, including making information about the procedures
14 available on the department's Internet website;

15 (2) a system to prioritize complaints so that the most
16 serious complaints receive attention before less serious
17 complaints; and

18 (3) a procedure for compiling and reporting detailed
19 annual statistics about complaints.

20 (b) The department shall develop and provide a simple form
21 for filing complaints with the department.

22 (c) The department shall provide to each person who files a
23 written complaint with the department, and to each person who is the
24 subject of a complaint, information about the department's policies
25 and procedures relating to complaint investigation and resolution.

26 (d) The department shall keep, in accordance with the
27 department's approved records retention schedule, an information

1 file about each written complaint filed with the department that
2 the department has authority to resolve. The department shall keep
3 the following information for each complaint for the purpose of
4 enforcing this chapter:

5 (1) the date the complaint is filed;

6 (2) the name of the person filing the complaint;

7 (3) the subject matter of the complaint;

8 (4) each person contacted in relation to the
9 complaint;

10 (5) a summary of the results of the review or
11 investigation of the complaint; and

12 (6) if the department does not take action on the
13 complaint, an explanation of the reasons that action was not taken.

14 (e) If a written complaint is filed with the department that
15 the department has authority to resolve, the department, at least
16 quarterly and until final disposition of the complaint, shall
17 notify the parties to the complaint of the status of the complaint
18 unless the notice would jeopardize an ongoing department
19 investigation.

20 (b) The Texas Transportation Commission shall adopt rules
21 under Section 391.006, Transportation Code, as added by this
22 section, not later than September 1, 2012.

23 SECTION 38. Subchapter B, Chapter 391, Transportation Code,
24 is amended by adding Section 391.0355 to read as follows:

25 Sec. 391.0355. ADMINISTRATIVE PENALTY. (a) In lieu of a
26 suit to collect a civil penalty, the commission, after notice and an
27 opportunity for a hearing before the commission, may impose an

1 administrative penalty against a person who violates this chapter
2 or a rule adopted by the commission under this chapter. Each day a
3 violation continues is a separate violation.

4 (b) The amount of the administrative penalty may not exceed
5 the maximum amount of a civil penalty under Section 391.035.

6 (c) A proceeding under this section is a contested case
7 under Chapter 2001, Government Code.

8 (d) Judicial review of an appeal of an administrative
9 penalty imposed under this section is under the substantial
10 evidence rule.

11 (e) An administrative penalty collected under this section
12 shall be deposited to the credit of the state highway fund.

13 SECTION 39. Section 391.063, Transportation Code, is
14 amended to read as follows:

15 Sec. 391.063. LICENSE FEE. The commission may set the
16 amount of a license fee according to a scale graduated by the number
17 of units of outdoor advertising and the number of off-premise signs
18 under Chapter 394 owned by a license applicant.

19 SECTION 40. Section 391.065(b), Transportation Code, is
20 amended to read as follows:

21 (b) For the efficient management and administration of this
22 chapter and to reduce the number of employees required to enforce
23 this chapter, the commission shall adopt rules for issuing
24 standardized forms that are for submission by license holders and
25 applicants and that provide for an accurate showing of the number,
26 location, or other information required by the commission for each
27 license holder's or applicant's outdoor advertising or off-premise

1 signs under Chapter 394.

2 SECTION 41. Section 391.066, Transportation Code, is
3 amended by adding Subsection (d) to read as follows:

4 (d) The commission may deny the renewal of a license
5 holder's license if the license holder has not complied with the
6 permit requirements of this chapter or Chapter 394.

7 SECTION 42. Subchapter C, Chapter 391, Transportation Code,
8 is amended by adding Section 391.0661 to read as follows:

9 Sec. 391.0661. APPLICABILITY OF LICENSE. In addition to
10 authorizing a person to erect or maintain outdoor advertising, a
11 license issued under this chapter authorizes a person to erect or
12 maintain an off-premise sign under Chapter 394.

13 SECTION 43. Section 394.005, Transportation Code, is
14 amended to read as follows:

15 Sec. 394.005. DISPOSITION OF FEES. Money the commission
16 receives [A registration fee collected] under this chapter [Section
17 394.048 by the commission] shall be deposited to the credit of the
18 state highway fund.

19 SECTION 44. (a) Subchapter A, Chapter 394, Transportation
20 Code, is amended by adding Section 394.006 to read as follows:

21 Sec. 394.006. COMPLAINTS; RECORDS. (a) The commission by
22 rule shall establish procedures for accepting and resolving written
23 complaints related to signs under this chapter. The rules must
24 include:

25 (1) a process to make information available describing
26 the department's procedures for complaint investigation and
27 resolution, including making information about the procedures

1 available on the department's Internet website;

2 (2) a system to prioritize complaints so that the most
3 serious complaints receive attention before less serious
4 complaints; and

5 (3) a procedure for compiling and reporting detailed
6 annual statistics about complaints.

7 (b) The department shall develop and provide a simple form
8 for filing complaints with the department.

9 (c) The department shall provide to each person who files a
10 written complaint with the department, and to each person who is the
11 subject of a complaint, information about the department's policies
12 and procedures relating to complaint investigation and resolution.

13 (d) The department shall keep, in accordance with the
14 department's approved records retention schedule, an information
15 file about each written complaint filed with the department that
16 the department has authority to resolve. The department shall keep
17 the following information for each complaint for the purpose of
18 enforcing this chapter:

19 (1) the date the complaint is filed;

20 (2) the name of the person filing the complaint;

21 (3) the subject matter of the complaint;

22 (4) each person contacted in relation to the
23 complaint;

24 (5) a summary of the results of the review or
25 investigation of the complaint; and

26 (6) if the department does not take action on the
27 complaint, an explanation of the reasons that action was not taken.

1 (e) If a written complaint is filed with the department that
2 the department has authority to resolve, the department, at least
3 quarterly and until final disposition of the complaint, shall
4 notify the parties to the complaint of the status of the complaint
5 unless the notice would jeopardize an ongoing department
6 investigation.

7 (b) The Texas Transportation Commission shall adopt rules
8 under Section 394.006, Transportation Code, as added by this
9 section, not later than September 1, 2012.

10 SECTION 45. The heading to Subchapter B, Chapter 394,
11 Transportation Code, is amended to read as follows:

12 SUBCHAPTER B. LICENSE AND PERMIT FOR OFF-PREMISE SIGN

13 SECTION 46. (a) Subchapter B, Chapter 394, Transportation
14 Code, is amended by adding Sections 394.0201, 394.0202, 394.0203,
15 394.0204, 394.0205, 394.0206, 394.0207, 394.027, 394.028, and
16 394.029 to read as follows:

17 Sec. 394.0201. ERECTING OFF-PREMISE SIGN WITHOUT LICENSE;
18 OFFENSE. (a) A person commits an offense if the person wilfully
19 erects or maintains an off-premise sign on a rural road without a
20 license under this subchapter.

21 (b) An offense under this section is a misdemeanor
22 punishable by a fine of not less than \$500 or more than \$1,000. Each
23 day of the proscribed conduct is a separate offense.

24 (c) A person is not required to obtain a license to erect or
25 maintain an on-premise sign.

26 Sec. 394.0202. ISSUANCE AND PERIOD OF LICENSE. (a) The
27 commission shall issue a license to a person who:

1 (1) files with the commission a completed application
2 form within the time specified by the commission;

3 (2) pays the appropriate license fee; and

4 (3) files with the commission a surety bond.

5 (b) A license may be issued for one year or longer.

6 (c) At least 30 days before the date on which a person's
7 license expires, the commission shall notify the person of the
8 impending expiration. The notice must be in writing and sent to the
9 person's last known address according to the records of the
10 commission.

11 Sec. 394.0203. LICENSE FEE. The commission may set the
12 amount of a license fee according to a scale graduated by the number
13 of off-premise signs and units of outdoor advertising under Chapter
14 391 owned by a license applicant.

15 Sec. 394.0204. SURETY BOND. (a) The surety bond required
16 of an applicant for a license under Section 394.0202 must be:

17 (1) in the amount of \$2,500 for each county in the
18 state in which the person erects or maintains an off-premise sign;
19 and

20 (2) payable to the commission for reimbursement for
21 removal costs of an off-premise sign that the license holder
22 unlawfully erects or maintains.

23 (b) A person may not be required to provide more than
24 \$10,000 in surety bonds.

25 Sec. 394.0205. RULES; FORMS. (a) The commission may adopt
26 rules to implement Sections 394.0201(a), 394.0202, 394.0203,
27 394.0204, and 394.0206.

1 (b) For the efficient management and administration of this
2 chapter and to reduce the number of employees required to enforce
3 this chapter, the commission shall adopt rules for issuing
4 standardized forms that are for submission by license holders and
5 applicants and that provide for an accurate showing of the number,
6 location, or other information required by the commission for each
7 license holder's or applicant's off-premise signs or outdoor
8 advertising under Chapter 391.

9 (c) The commission may not adopt a rule under this chapter
10 that restricts competitive bidding or advertising by the holder of
11 a license issued under this chapter other than a rule to prohibit
12 false, misleading, or deceptive practices. The limitation provided
13 by this section applies only to rules relating to the occupation of
14 outdoor advertiser and does not affect the commission's power to
15 regulate the orderly and effective display of an off-premise sign
16 under this chapter. A rule to prohibit false, misleading, or
17 deceptive practices may not:

18 (1) restrict the use of:

19 (A) any legal medium for an advertisement;

20 (B) the license holder's advertisement under a
21 trade name; or

22 (C) the license holder's personal appearance or
23 voice in an advertisement, if the license holder is an individual;
24 or

25 (2) relate to the size or duration of an advertisement
26 by the license holder.

27 Sec. 394.0206. REVOCATION OR SUSPENSION OF LICENSE; APPEAL.

1 (a) The commission may revoke or suspend a license issued under
2 this subchapter or place on probation a license holder whose
3 license is suspended if the license holder violates this chapter or
4 a rule adopted under this chapter. If the suspension of the license
5 is probated, the department may require the license holder to
6 report regularly to the commission on any matter that is the basis
7 of the probation.

8 (b) The judicial appeal of the revocation or suspension of a
9 license must be initiated not later than the 15th day after the date
10 of the commission's action.

11 (c) The commission may adopt rules for the reissuance of a
12 revoked or suspended license and may set fees for the reissuance.

13 (d) The commission may deny the renewal of a license
14 holder's existing license if the license holder has not complied
15 with the permit requirements of this chapter or Chapter 391.

16 Sec. 394.0207. APPLICABILITY OF LICENSE. In addition to
17 authorizing a person to erect or maintain an off-premise sign, a
18 license issued under this chapter authorizes a person to erect or
19 maintain outdoor advertising under Chapter 391.

20 Sec. 394.027. DENIAL OF PERMIT; APPEAL. The commission may
21 create a process by which an applicant may appeal a denial of a
22 permit under this subchapter.

23 Sec. 394.028. FEE AMOUNTS. The license and permit fees
24 required by this subchapter may not exceed an amount reasonably
25 necessary to cover the administrative costs incurred to enforce
26 this chapter.

27 Sec. 394.029. EXCEPTIONS FOR CERTAIN NONPROFIT

1 ORGANIZATIONS. (a) The combined license and permit fees under
2 this subchapter may not exceed \$10 for an off-premise sign erected
3 and maintained by a nonprofit organization in a municipality or a
4 municipality's extraterritorial jurisdiction if the sign relates
5 to or promotes only the municipality or a political subdivision
6 whose jurisdiction is wholly or partly concurrent with the
7 municipality.

8 (b) The nonprofit organization is not required to file a
9 bond as provided by Section 394.0202(a)(3).

10 (b) The change in law made by Section 394.0201,
11 Transportation Code, as added by this section, applies only to an
12 off-premise sign erected or for which the permit expires on or after
13 the effective date of this Act. An off-premise sign for which a
14 permit is issued before the effective date of this Act is covered by
15 the law in effect when the permit was issued, and the former law is
16 continued in effect for that purpose.

17 SECTION 47. Section 394.050, Transportation Code, is
18 amended to read as follows:

19 Sec. 394.050. [~~BOARD OF~~] VARIANCE. The commission or a
20 person designated by the commission [~~commission shall provide for a~~
21 ~~board of variance that~~], in an appropriate case and subject to an
22 appropriate condition or safeguard, may make a special exception to
23 this chapter regarding a permit for an off-premise outdoor sign on a
24 rural road.

25 SECTION 48. Sections 394.082(a) and (d), Transportation
26 Code, are amended to read as follows:

27 (a) In lieu of a suit to collect a civil penalty, the

1 commission, after notice and an opportunity for a hearing before
2 the commission, may impose an administrative penalty against a
3 person who [~~intentionally~~] violates this chapter or a rule adopted
4 by the commission under this chapter. Each day a violation
5 continues is a separate violation.

6 (d) Judicial review of an appeal of an administrative
7 penalty imposed under this section is under the substantial
8 evidence rule [~~by trial de novo~~].

9 SECTION 49. Subchapter D, Chapter 472, Transportation Code,
10 is amended by adding Section 472.035 to read as follows:

11 Sec. 472.035. COORDINATION WITH DEPARTMENT TO DEVELOP
12 LONG-TERM PLANNING ASSUMPTIONS. Each metropolitan planning
13 organization shall work with the department to develop mutually
14 acceptable assumptions for the purposes of long-range federal and
15 state funding forecasts and use those assumptions to guide
16 long-term planning in the organization's long-range transportation
17 plan.

18 SECTION 50. Chapter 544, Transportation Code, is amended by
19 adding Section 544.013 to read as follows:

20 Sec. 544.013. CHANGEABLE MESSAGE SIGN SYSTEM. (a) In this
21 section, "changeable message sign" means a sign that conforms to
22 the manual and specifications adopted under Section 544.001. The
23 term includes a dynamic message sign.

24 (b) The Texas Department of Transportation in cooperation
25 with local governments shall actively manage a system of changeable
26 message signs located on highways under the jurisdiction of the
27 department to mitigate traffic congestion by providing current

1 information to the traveling public, including information about
2 traffic incidents, weather conditions, road construction, and
3 alternative routes when applicable.

4 SECTION 51. Section 621.001, Transportation Code, is
5 amended by amending Subdivisions (3) and (4) and adding Subdivision
6 (13) to read as follows:

7 (3) "Department" means the Texas Department of Motor
8 Vehicles [~~Transportation~~].

9 (4) "Director" means the executive director of the
10 Texas Department of Motor Vehicles [~~Transportation~~].

11 (13) "Board" means the board of the Texas Department
12 of Motor Vehicles.

13 SECTION 52. Section 621.003(a), Transportation Code, is
14 amended to read as follows:

15 (a) The board [~~commission~~] by rule may authorize the
16 director to enter into with the proper authority of another state an
17 agreement that authorizes:

18 (1) the authority of the other state to issue on behalf
19 of the department to the owner or operator of a vehicle, or
20 combination of vehicles, that exceeds the weight or size limits
21 allowed by this state a permit that authorizes the operation or
22 transportation on a highway in this state of the vehicle or
23 combination of vehicles; and

24 (2) the department to issue on behalf of the authority
25 of the other state to the owner or operator of a vehicle, or
26 combination of vehicles, that exceeds the weight or size limits
27 allowed by that state a permit that authorizes the operation or

1 transportation on a highway of that state of the vehicle or
2 combination of vehicles.

3 SECTION 53. Section 621.004, Transportation Code, is
4 amended to read as follows:

5 Sec. 621.004. ADMISSIBILITY OF CERTIFICATE OF VERTICAL
6 CLEARANCE. In each civil or criminal proceeding in which a
7 violation of this chapter may be an issue, a certificate of the
8 vertical clearance of a structure, including a bridge or underpass,
9 signed by the executive director of the Texas Department of
10 Transportation is admissible in evidence for all purposes.

11 SECTION 54. Section 621.006, Transportation Code, is
12 amended to read as follows:

13 Sec. 621.006. RESTRICTED OPERATION ON CERTAIN HOLIDAYS.
14 The commission [~~department~~] by rule may impose restrictions on the
15 weight and size of vehicles to be operated on state highways on the
16 following holidays only:

- 17 (1) New Year's Day;
- 18 (2) Memorial Day;
- 19 (3) Independence Day;
- 20 (4) Labor Day;
- 21 (5) Thanksgiving Day; and
- 22 (6) Christmas Day.

23 SECTION 55. Subchapter A, Chapter 621, Transportation Code,
24 is amended by adding Section 621.008 to read as follows:

25 Sec. 621.008. RULEMAKING AUTHORITY. The board may adopt
26 rules necessary to implement and enforce this chapter.

27 SECTION 56. Section 621.102(d), Transportation Code, is

1 amended to read as follows:

2 (d) A maximum weight or load set under this section becomes
3 effective on a highway or road when appropriate signs giving notice
4 of the maximum weight or load are erected on the highway or road by
5 the Texas Department of Transportation under order of the
6 commission.

7 SECTION 57. Sections 621.202(a) and (b), Transportation
8 Code, are amended to read as follows:

9 (a) To comply with safety and operational requirements of
10 federal law, the commission by order may set the maximum width of a
11 vehicle, including the load on the vehicle, at eight feet for a
12 designated highway or segment of a highway if the results of an
13 engineering and traffic study, conducted by the Texas Department of
14 Transportation, that includes an analysis of structural capacity of
15 bridges and pavements, traffic volume, unique climatic conditions,
16 and width of traffic lanes support the change.

17 (b) An order under this section becomes effective on the
18 designated highway or segment when appropriate signs giving notice
19 of the limitations are erected by the Texas Department of
20 Transportation.

21 SECTION 58. Sections 621.301(a) and (d), Transportation
22 Code, are amended to read as follows:

23 (a) The commissioners court of a county may establish load
24 limits for any county road or bridge only with the concurrence of
25 the Texas Department of Transportation [~~department~~]. A load limit
26 shall be deemed concurred with by the Texas Department of
27 Transportation [~~department~~] 30 days after the county submits to the

1 Texas Department of Transportation [~~department~~] the load limit
2 accompanied by supporting documentation and calculations reviewed
3 and sealed by an engineer licensed in this state, though the Texas
4 Department of Transportation [~~department~~] may review the load limit
5 and withdraw concurrence at any time after the 30-day period.

6 (d) A maximum weight set under this section becomes
7 effective on a road when appropriate signs giving notice of the
8 maximum weight are erected by the Texas Department of
9 Transportation on the road under order of the commissioners court.

10 SECTION 59. Section 621.352(a), Transportation Code, is
11 amended to read as follows:

12 (a) The board [~~commission~~] by rule may establish fees for
13 the administration of Section 621.003 in an amount that, when added
14 to the other fees collected by the department, does not exceed the
15 amount sufficient to recover the actual cost to the department of
16 administering that section. An administrative fee collected under
17 this section shall be sent to the comptroller for deposit to the
18 credit of the state highway fund and may be appropriated only to the
19 department for the administration of Section 621.003.

20 SECTION 60. Section 621.356, Transportation Code, is
21 amended to read as follows:

22 Sec. 621.356. FORM OF PAYMENT. The board [~~commission~~] may
23 adopt rules prescribing the method for payment of a fee for a permit
24 issued by the department that authorizes the operation of a vehicle
25 and its load or a combination of vehicles and load exceeding size or
26 weight limitations. The rules may:

27 (1) authorize the use of electronic funds transfer or

1 a credit card issued by:

2 (A) a financial institution chartered by a state
3 or the federal government; or

4 (B) a nationally recognized credit organization
5 approved by the board [~~commission~~]; and

6 (2) require the payment of a discount or service
7 charge for a credit card payment in addition to the fee.

8 SECTION 61. Section 621.504, Transportation Code, is
9 amended to read as follows:

10 Sec. 621.504. BRIDGE OR UNDERPASS CLEARANCE. A person may
11 not operate or attempt to operate a vehicle over or on a bridge or
12 through an underpass or similar structure unless the height of the
13 vehicle, including load, is less than the vertical clearance of the
14 structure as shown by the records of the Texas Department of
15 Transportation [~~department~~].

16 SECTION 62. Section 622.001, Transportation Code, is
17 amended to read as follows:

18 Sec. 622.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

19 (1) "Commission" means the Texas Transportation
20 Commission.

21 (2) "Department" [~~,"department"~~] means the Texas
22 Department of Motor Vehicles [~~Transportation~~].

23 SECTION 63. Subchapter A, Chapter 622, Transportation Code,
24 is amended by adding Section 622.002 to read as follows:

25 Sec. 622.002. RULEMAKING AUTHORITY. The board of the
26 department may adopt rules necessary to implement and enforce this
27 chapter.

1 SECTION 64. Sections 622.013(a) and (b), Transportation
2 Code, are amended to read as follows:

3 (a) The owner of a ready-mixed concrete truck with a tandem
4 axle weight heavier than 34,000 pounds shall before operating the
5 vehicle on a public highway of this state file with the department a
6 surety bond subject to the approval of the Texas Department of
7 Transportation [~~department~~] in the principal amount set by the
8 Texas Department of Transportation [~~department~~] not to exceed
9 \$15,000 for each truck.

10 (b) The bond must be conditioned that the owner of the truck
11 will pay to the Texas Department of Transportation [~~state~~], within
12 the limit of the bond, any damage to a highway caused by the
13 operation of the truck.

14 SECTION 65. Sections 622.134(a) and (b), Transportation
15 Code, are amended to read as follows:

16 (a) Except as provided by Subsection (c), the owner of a
17 vehicle covered by this subchapter with a tandem axle weight
18 heavier than 34,000 pounds shall before operating the vehicle on a
19 public highway of this state file with the department a surety bond
20 subject to the approval of the Texas Department of Transportation
21 [~~department~~] in the principal amount set by the Texas Department of
22 Transportation [~~department~~] not to exceed \$15,000 for each vehicle.

23 (b) The bond must be conditioned that the owner of the
24 vehicle will pay, within the limits of the bond, to the Texas
25 Department of Transportation [~~state~~] any damage to a highway, to a
26 county any damage to a county road, and to a municipality any damage
27 to a municipal street caused by the operation of the vehicle.

1 SECTION 66. Section 623.001, Transportation Code, is
2 amended by amending Subdivision (1) and adding Subdivisions (4) and
3 (5) to read as follows:

4 (1) "Department" means the Texas Department of Motor
5 Vehicles [~~Transportation~~].

6 (4) "Board" means the board of the Texas Department of
7 Motor Vehicles.

8 (5) "Commission" means the Texas Transportation
9 Commission.

10 SECTION 67. Subchapter A, Chapter 623, Transportation Code,
11 is amended by adding Sections 623.002 and 623.003 to read as
12 follows:

13 Sec. 623.002. RULEMAKING AUTHORITY. The board may adopt
14 rules necessary to implement and enforce this chapter.

15 Sec. 623.003. ROUTE DETERMINATION. (a) To the extent the
16 department is required to determine a route under this chapter, the
17 department shall base the department's routing decision on
18 information provided by the Texas Department of Transportation.

19 (b) The Texas Department of Transportation shall provide
20 the department with all routing information necessary to complete a
21 permit issued under Section 623.071, 623.121, 623.142, or 623.192.

22 SECTION 68. Section 623.0112, Transportation Code, is
23 amended to read as follows:

24 Sec. 623.0112. ADDITIONAL ADMINISTRATIVE FEE. When a
25 person applies for a permit under Section 623.011, the person must
26 pay in addition to other fees an administrative fee adopted by board
27 [~~department~~] rule in an amount not to exceed the direct and indirect

1 cost to the department of:

- 2 (1) issuing a sticker under Section 623.011(d);
- 3 (2) distributing fees under Section 621.353; and
- 4 (3) notifying counties under Section 623.013.

5 SECTION 69. Section 623.012(b), Transportation Code, is
6 amended to read as follows:

7 (b) The bond or letter of credit must:

8 (1) be in the amount of \$15,000 payable to the Texas
9 Department of Transportation [~~department~~] and the counties of this
10 state;

11 (2) be conditioned that the applicant will pay the
12 Texas Department of Transportation [~~department~~] for any damage to a
13 state highway, and a county for any damage to a road or bridge of the
14 county, caused by the operation of the vehicle for which the permit
15 is issued at a heavier weight than the maximum weights authorized by
16 Subchapter B of Chapter 621 or Section 621.301; and

17 (3) provide that the issuer is to notify the Texas
18 Department of Transportation [~~department~~] and the applicant in
19 writing promptly after a payment is made by the issuer on the bond
20 or letter of credit.

21 SECTION 70. Sections 623.016(a) and (b), Transportation
22 Code, are amended to read as follows:

23 (a) The Texas Department of Transportation [~~department~~] or
24 a county may recover on the bond or letter of credit required for a
25 permit issued under Section 623.011 only by a suit against the
26 permit holder and the issuer of the bond or letter of credit.

27 (b) Venue for a suit by the Texas Department of

1 Transportation [~~department~~] is in a district court in:

2 (1) the county in which the defendant resides;

3 (2) the county in which the defendant has its
4 principal place of business in this state if the defendant is a
5 corporation or partnership; or

6 (3) Travis County if the defendant is a corporation or
7 partnership that does not have a principal place of business in this
8 state.

9 SECTION 71. Section 623.051(a), Transportation Code, is
10 amended to read as follows:

11 (a) A person may operate a vehicle that cannot comply with
12 one or more of the restrictions of Subchapter C of Chapter 621 or
13 Section 621.101 to cross the width of any road or highway under the
14 jurisdiction of the Texas Department of Transportation
15 [~~department~~], other than a controlled access highway as defined by
16 Section 203.001, from private property to other private property if
17 the person contracts with the commission to indemnify the Texas
18 Department of Transportation [~~department~~] for the cost of
19 maintenance and repair of the part of the highway crossed by the
20 vehicle.

21 SECTION 72. Section 623.052(b), Transportation Code, is
22 amended to read as follows:

23 (b) Before a person may operate a vehicle under this
24 section, the person must:

25 (1) contract with the Texas Department of
26 Transportation [~~department~~] to indemnify the Texas Department of
27 Transportation [~~department~~] for the cost of the maintenance and

1 repair for damage caused by a vehicle crossing that part of the
2 highway; and

3 (2) execute an adequate surety bond to compensate for
4 the cost of maintenance and repair, approved by the comptroller and
5 the attorney general, with a corporate surety authorized to do
6 business in this state, conditioned on the person fulfilling each
7 obligation of the agreement.

8 SECTION 73. Section 623.075(a), Transportation Code, is
9 amended to read as follows:

10 (a) Before the department may issue a permit under this
11 subchapter, the applicant shall file with the department a bond in
12 an amount set by the Texas Department of Transportation
13 [~~department~~], payable to the Texas Department of Transportation
14 [~~department~~], and conditioned that the applicant will pay to the
15 Texas Department of Transportation [~~department~~] any damage that
16 might be sustained to the highway because of the operation of the
17 equipment for which a permit is issued.

18 SECTION 74. Sections 623.076(b) and (c), Transportation
19 Code, are amended to read as follows:

20 (b) The board [~~Texas Transportation Commission~~] may adopt
21 rules for the payment of a fee under Subsection (a). The rules may:

22 (1) authorize the use of electronic funds transfer;

23 (2) authorize the use of a credit card issued by:

24 (A) a financial institution chartered by a state
25 or the United States; or

26 (B) a nationally recognized credit organization
27 approved by the board [~~Texas Transportation Commission~~]; and

1 (3) require the payment of a discount or service
2 charge for a credit card payment in addition to the fee prescribed
3 by Subsection (a).

4 (c) An application for a permit under Section 623.071(c)(3)
5 or (d) must be accompanied by the permit fee established by the
6 board, in consultation with the commission, for the permit, not to
7 exceed \$7,000. Of each fee collected under this subsection, the
8 department shall send:

9 (1) the first \$1,000 to the comptroller for deposit to
10 the credit of the general revenue fund; and

11 (2) any amount in excess of \$1,000 to the comptroller
12 for deposit to the credit of the state highway fund.

13 SECTION 75. Section 623.078, Transportation Code, is
14 amended to read as follows:

15 Sec. 623.078. VEHICLE SUPERVISION FEE. (a) Each applicant
16 for a permit under this subchapter for a vehicle that is heavier
17 than 200,000 pounds must also pay a vehicle supervision fee in an
18 amount determined by the Texas Department of Transportation
19 [~~department~~] and designed to recover the direct cost of providing
20 safe transportation of the vehicle over the state highway system,
21 including the cost of:

22 (1) bridge structural analysis;

23 (2) the monitoring of the trip process; and

24 (3) moving traffic control devices.

25 (b) The board [~~department~~] shall send each fee collected
26 under Subsection (a) to the comptroller for deposit to the credit of
27 the state highway fund.

1 SECTION 76. Section 623.080(a), Transportation Code, is
2 amended to read as follows:

3 (a) Except as provided by Subsection (b), a permit under
4 this subchapter must include:

5 (1) the name of the applicant;

6 (2) the date of issuance;

7 (3) the signature of the director of the department
8 [~~or of a division engineer~~];

9 (4) a statement of the kind of equipment to be
10 transported over the highway, the weight and dimensions of the
11 equipment, and the kind and weight of each commodity to be
12 transported; and

13 (5) a statement of any condition on which the permit is
14 issued.

15 SECTION 77. Section 623.093(f), Transportation Code, is
16 amended to read as follows:

17 (f) If an application for a permit to move a manufactured
18 house is accompanied by a copy of a writ of possession issued by a
19 court of competent jurisdiction, the applicant is not required to
20 submit the written statement from the chief appraiser [~~set forth in~~
21 ~~Subsection (d)~~].

22 SECTION 78. Section 623.096(b), Transportation Code, is
23 amended to read as follows:

24 (b) The board, in consultation with the Texas Department of
25 Transportation, [~~department~~] shall adopt rules concerning fees for
26 each annual permit issued under Section 623.095(c) at a cost not to
27 exceed \$3,000.

1 SECTION 79. Section 623.099(e), Transportation Code, is
2 amended to read as follows:

3 (e) The Texas Department of Transportation [~~department~~]
4 shall publish and annually revise a map or list of the bridges or
5 overpasses that because of height or width require an escort flag
6 vehicle to stop oncoming traffic while a manufactured house crosses
7 the bridge or overpass.

8 SECTION 80. Sections 623.100(b) and (c), Transportation
9 Code, are amended to read as follows:

10 (b) The Texas Department of Transportation [~~department~~] may
11 limit the hours for travel on certain routes because of heavy
12 traffic conditions.

13 (c) The Texas Department of Transportation [~~department~~]
14 shall publish the limitation on movements prescribed by this
15 section and the limitations adopted under Subsection (b) and shall
16 make the publications available to the public. Each limitation
17 adopted by the Texas Department of Transportation [~~department~~] must
18 be made available to the public before it takes effect.

19 SECTION 81. Section 623.126(a), Transportation Code, is
20 amended to read as follows:

21 (a) A permit issued under this subchapter must:

- 22 (1) contain the name of the applicant;
- 23 (2) be dated and signed by the director of the
24 department [~~a division engineer~~] or a designated agent;
- 25 (3) state the make and model of the portable building
26 unit or units to be transported over the highways;
- 27 (4) state the make and model of the towing vehicle;

1 (5) state the combined length and width of the
2 portable building unit or units and towing vehicle; and

3 (6) state each highway over which the portable
4 building unit or units are to be moved.

5 SECTION 82. Section 623.142(a), Transportation Code, is
6 amended to read as follows:

7 (a) The department may, on application, issue a permit for
8 the movement over a road or highway under the jurisdiction of the
9 Texas Department of Transportation [~~department~~] of a vehicle that:

10 (1) is a piece of fixed-load mobile machinery or
11 equipment used to service, clean out, or drill an oil well; and

12 (2) cannot comply with the restrictions set out in
13 Subchapter C of Chapter 621 and Section 621.101.

14 SECTION 83. Sections 623.145 and 623.146, Transportation
15 Code, are amended to read as follows:

16 Sec. 623.145. RULES; FORMS AND PROCEDURES; FEES. (a) The
17 board, in consultation with the commission, [~~Texas Transportation~~
18 ~~Commission~~] by rule shall provide for the issuance of permits under
19 this subchapter. The rules must include each matter the board and
20 commission determine [~~determines~~] necessary to implement this
21 subchapter and:

22 (1) requirements for forms and procedures used in
23 applying for a permit;

24 (2) conditions with regard to route and time of
25 movement;

26 (3) requirements for flags, flaggers, and warning
27 devices;

1 (4) the fee for a permit; and

2 (5) standards to determine whether a permit is to be
3 issued for one trip only or for a period established by the
4 commission.

5 (b) In adopting a rule or establishing a fee, the board and
6 commission shall consider and be guided by:

7 (1) the state's investment in its highway system;

8 (2) the safety and convenience of the general
9 traveling public;

10 (3) the registration or license fee paid on the
11 vehicle for which the permit is requested;

12 (4) the fees paid by vehicles operating within legal
13 limits;

14 (5) the suitability of roadways and subgrades on the
15 various classes of highways of the system;

16 (6) the variation in soil grade prevalent in the
17 different regions of the state;

18 (7) the seasonal effects on highway load capacity;

19 (8) the highway shoulder design and other highway
20 geometrics;

21 (9) the load capacity of the highway bridges;

22 (10) administrative costs;

23 (11) added wear on highways; and

24 (12) compensation for inconvenience and necessary
25 delays to highway users.

26 Sec. 623.146. VIOLATION OF RULE. A permit under this
27 subchapter is void on the failure of an owner or the owner's

1 representative to comply with a rule of the board [~~commission~~] or
2 with a condition placed on the permit, and immediately on the
3 violation, further movement over the highway of an oversize or
4 overweight vehicle violates the law regulating the size or weight
5 of a vehicle on a public highway.

6 SECTION 84. Sections 623.163(a) and (b), Transportation
7 Code, are amended to read as follows:

8 (a) The owner of a vehicle used exclusively to transport
9 solid waste with a tandem axle load heavier than 34,000 pounds shall
10 before operating the vehicle on a public highway of this state file
11 with the department a surety bond subject to the approval of the
12 Texas Department of Transportation [~~department~~] in the principal
13 amount set by the Texas Department of Transportation [~~department~~]
14 not to exceed \$15,000 for each vehicle.

15 (b) The bond must be conditioned that the owner of the
16 vehicle will pay to the Texas Department of Transportation [~~state~~]
17 and to any municipality in which the vehicle is operated on a
18 municipal street, within the limit of the bond, any damages to a
19 highway or municipal street caused by the operation of the vehicle.

20 SECTION 85. Section 623.192(a), Transportation Code, is
21 amended to read as follows:

22 (a) The department may, on application, issue a permit to a
23 person to move over a road or highway under the jurisdiction of the
24 Texas Department of Transportation [~~department~~] an unladen lift
25 equipment motor vehicle that cannot comply with the restrictions
26 set out in Subchapter C of Chapter 621 and Section 621.101.

27 SECTION 86. Sections 623.195 and 623.196, Transportation

1 Code, are amended to read as follows:

2 Sec. 623.195. RULES; FORMS AND PROCEDURES; FEES. (a) The
3 board, in consultation with the commission, [~~Texas Transportation~~
4 ~~Commission~~] by rule shall provide for the issuance of a permit under
5 this subchapter. The rules must include each matter the board and
6 the commission determine [~~determines~~] necessary to implement this
7 subchapter and:

8 (1) requirements for forms and procedures used in
9 applying for a permit;

10 (2) conditions with regard to route and time of
11 movement;

12 (3) requirements for flags, flaggers, and warning
13 devices;

14 (4) the fee for a permit; and

15 (5) standards to determine whether a permit is to be
16 issued for one trip only or for a period established by the
17 commission.

18 (b) In adopting a rule or establishing a fee, the board and
19 the commission shall consider and be guided by:

20 (1) the state's investment in its highway system;

21 (2) the safety and convenience of the general
22 traveling public;

23 (3) the registration or license fee paid on the
24 vehicle for which the permit is requested;

25 (4) the fees paid by vehicles operating within legal
26 limits;

27 (5) the suitability of roadways and subgrades on the

1 various classes of highways of the system;

2 (6) the variation in soil grade prevalent in the
3 different regions of the state;

4 (7) the seasonal effects on highway load capacity;

5 (8) the highway shoulder design and other highway
6 geometrics;

7 (9) the load capacity of highway bridges;

8 (10) administrative costs;

9 (11) added wear on highways; and

10 (12) compensation for inconvenience and necessary
11 delays to highway users.

12 Sec. 623.196. VIOLATION OF RULE. A permit under this
13 subchapter is void on the failure of an owner or the owner's
14 representative to comply with a rule of the board [~~commission~~] or
15 with a condition placed on the permit, and immediately on the
16 violation, further movement over a highway of an oversize or
17 overweight vehicle violates the law regulating the size or weight
18 of a vehicle on a public highway.

19 SECTION 87. Section 623.212, Transportation Code, is
20 amended to read as follows:

21 Sec. 623.212. PERMITS BY PORT AUTHORITY. The commission
22 [~~department~~] may authorize a port authority to issue permits for
23 the movement of oversize or overweight vehicles carrying cargo on
24 state highways located in counties contiguous to the Gulf of Mexico
25 or a bay or inlet opening into the gulf and bordering the United
26 Mexican States.

27 SECTION 88. Section 623.215(b), Transportation Code, is

1 amended to read as follows:

2 (b) A port authority shall report to the Texas Department of
3 Transportation [~~department~~] all permits issued under this
4 subchapter.

5 SECTION 89. Section 623.233, Transportation Code, is
6 amended to read as follows:

7 Sec. 623.233. MAINTENANCE CONTRACTS. The district shall
8 make payments to the Texas Department of Transportation
9 [~~department~~] to provide funds for the maintenance of state highways
10 subject to this subchapter.

11 SECTION 90. Section 623.235(b), Transportation Code, is
12 amended to read as follows:

13 (b) The district shall report to the Texas Department of
14 Transportation [~~department~~] all permits issued under this
15 subchapter.

16 SECTION 91. Section 623.253, Transportation Code, is
17 amended to read as follows:

18 Sec. 623.253. MAINTENANCE CONTRACTS. The county shall make
19 payments to the Texas Department of Transportation [~~department~~] to
20 provide funds for the maintenance of state highways subject to this
21 subchapter.

22 SECTION 92. Section 623.304, Transportation Code, is
23 amended to read as follows:

24 Sec. 623.304. MAINTENANCE CONTRACTS. The port authority
25 shall make payments to the Texas Department of Transportation
26 [~~department~~] to provide funds for the maintenance of state highways
27 subject to this subchapter.

1 SECTION 93. Section 547.304(c), Transportation Code, is
2 amended to read as follows:

3 (c) Except for Sections 547.323 and 547.324, a provision of
4 this chapter that requires a vehicle to be equipped with lamps,
5 reflectors, and lighting equipment does not apply to a mobile home
6 if the mobile home:

7 (1) is moved under a permit issued by the Texas
8 Department of Motor Vehicles [~~Transportation~~] under Subchapter D,
9 Chapter 623; and

10 (2) is not moved at a time or under a condition
11 specified by Section 547.302(a).

12 SECTION 94. Section 1001.002(b), Transportation Code, is
13 amended to read as follows:

14 (b) In addition to the other duties required of the Texas
15 Department of Motor Vehicles, the department shall administer and
16 enforce:

17 (1) Subtitle A;

18 (2) Chapters 621, 622, 623, 642, 643, 645, 646, and
19 648; and

20 (3) Chapters 2301 and 2302, Occupations Code.

21 SECTION 95. Sections 1201.161(a), (b), and (c), Occupations
22 Code, are amended to read as follows:

23 (a) Notwithstanding any other statute or rule or ordinance,
24 a licensed retailer or licensed installer is not required to obtain
25 a permit, certificate, or license or pay a fee to transport
26 manufactured housing to the place of installation except as
27 required by the Texas Department of Motor Vehicles [~~Transportation~~]

1 under Subchapter E, Chapter 623, Transportation Code.

2 (b) The department shall cooperate with the Texas
3 Department of Motor Vehicles [~~Transportation~~] by providing current
4 lists of licensed manufacturers, retailers, and installers.

5 (c) The Texas Department of Motor Vehicles [~~Transportation~~]
6 shall send the department monthly:

7 (1) a copy of each permit issued in the preceding month
8 for the movement of manufactured housing on the highways; or

9 (2) a list of the permits issued in the preceding month
10 and the information on the permits.

11 SECTION 96. (a) Except as otherwise provided by this Act,
12 not later than January 1, 2012, the following are transferred from
13 the Texas Department of Transportation to the Texas Department of
14 Motor Vehicles:

15 (1) the powers, duties, functions, programs,
16 activities, and rights of action of the Texas Department of
17 Transportation relating to oversize and overweight vehicles under
18 Chapters 621, 622, and 623, Transportation Code;

19 (2) any obligations, funds, negotiations, grants,
20 memoranda of understanding, leases, rights, and contracts of the
21 Texas Department of Transportation that are directly related to
22 implementing a power, duty, function, program, activity, or right
23 of action transferred under this subsection; and

24 (3) all personnel, furniture, computers, equipment,
25 other property, records, and related materials in the custody of
26 the Texas Department of Transportation that are related to a power,
27 duty, function, program, activity, or right of action transferred

1 under this subsection and all funds appropriated by the legislature
2 for that power, duty, function, program, activity, or right of
3 action.

4 (b) The Texas Department of Motor Vehicles shall continue
5 any case or proceeding relating to oversize and overweight vehicles
6 under Chapters 621, 622, and 623, Transportation Code, that was
7 brought before the effective date of this Act in accordance with the
8 law in effect on the date the case or proceeding was brought, and
9 the former law is continued in effect for that purpose.

10 (c) A certificate, license, document, permit, registration,
11 or other authorization issued by the Texas Department of
12 Transportation relating to oversize and overweight vehicles under
13 Chapters 621, 622, and 623, Transportation Code, that is in effect
14 on the effective date of this Act remains valid for the period for
15 which it was issued unless suspended or revoked by the Texas
16 Department of Motor Vehicles.

17 (d) The unobligated and unexpended balance of any
18 appropriations made to the Texas Department of Transportation in
19 connection with or relating to oversize and overweight vehicles
20 under Chapter 621, 622, or 623, Transportation Code, for the state
21 fiscal biennium ending August 31, 2011, is transferred and
22 reappropriated to the Texas Department of Motor Vehicles for the
23 purpose of implementing the powers, duties, obligations, and rights
24 of action transferred to that department.

25 (e) The Texas Department of Transportation shall continue,
26 as necessary, to perform the duties and functions that are being
27 transferred to the Texas Department of Motor Vehicles under this

1 Act until the transfer of agency duties and functions is complete.

2 (f) A rule or form adopted by the Texas Department of
3 Transportation that relates to a power, duty, function, program,
4 activity, or right of action transferred under Subsection (a) of
5 this section is a rule or form of the Texas Department of Motor
6 Vehicles and remains in effect until altered by the Texas
7 Department of Motor Vehicles.

8 (g) A reference in law to the Texas Department of
9 Transportation that relates to a power, duty, function, program,
10 activity, or right of action transferred under Subsection (a) of
11 this section means the Texas Department of Motor Vehicles.

12 SECTION 97. (a) The Texas Department of Motor Vehicles may
13 enter into a memorandum of understanding with a state agency,
14 including the Texas Department of Transportation, if the board of
15 the Texas Department of Motor Vehicles determines the memorandum is
16 necessary or appropriate to implement the changes made by this Act
17 to Chapters 621, 622, and 623, Transportation Code.

18 (b) The memorandum of understanding described by Subsection
19 (a) of this section may:

20 (1) coordinate the Texas Department of Motor Vehicles'
21 and the Texas Department of Transportation's information systems to
22 allow for the sharing of information so each department may
23 effectively and efficiently perform the functions and duties
24 assigned to the department;

25 (2) provide for implementing the memorandum using
26 existing personnel and resources from the Texas Department of Motor
27 Vehicles and the Texas Department of Transportation;

1 (3) allow for the sharing of otherwise confidential
2 information subject to the same confidentiality requirements and
3 legal restrictions on access to the information that are imposed by
4 law on the agency that originally obtained or collected the
5 information;

6 (4) allow for the sharing of information without the
7 consent of the person who is the subject of the information; and

8 (5) include an agreement for:

9 (A) the provision of office space, utilities, and
10 other facility services;

11 (B) the need for full-time equivalent positions
12 of the Texas Department of Transportation to provide support
13 services in addition to the positions transferred to the Texas
14 Department of Motor Vehicles under Section 96(a)(3) of this Act;

15 (C) support services; and

16 (D) the transfer of information technology as
17 necessary or appropriate to effectuate the transfer of the powers
18 and duties of the Texas Department of Transportation to the Texas
19 Department of Motor Vehicles.

20 (c) The Texas Department of Motor Vehicles and the Texas
21 Department of Transportation may not impose, collect, or charge a
22 fee in connection with the sharing of information under a
23 memorandum of understanding entered into or revised under this
24 section.

25 SECTION 98. Section 201.0545, Transportation Code, is
26 repealed.

27 SECTION 99. This Act takes effect September 1, 2011.