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H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the operations of and transportation planning and  
3 expenditures by the Texas Department of Transportation and planning  
4 organizations.

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

6 SECTION 1. Section 201.809, Transportation Code, is amended  
7 by adding Subsections (e) through (j) to read as follows:

8 (e) The department shall develop and implement, and the  
9 commission shall approve, a performance-based planning and  
10 programming process dedicated to providing the executive and  
11 legislative branches of government with indicators that quantify  
12 and qualify progress toward attaining all department goals and  
13 objectives established by the legislature and the commission.

14 (f) The department shall develop and implement performance  
15 metrics and performance measures as part of:

16 (1) the review of strategic planning in the statewide  
17 transportation plan, rural transportation plans, and unified  
18 transportation program;

19 (2) the evaluation of decision-making on projects  
20 selected for funding in the unified transportation program and  
21 statewide transportation improvement program; and

22 (3) the evaluation of project delivery for projects in  
23 the department's letting schedule.

24 (g) The department shall use and the commission shall review

1 performance metrics and measures to:

2 (1) assess how well the transportation system is  
3 performing and operating;

4 (2) provide the department, legislature,  
5 stakeholders, and public with information to support decisions in a  
6 manner that is accessible and understandable to the public;

7 (3) assess the effectiveness and efficiency of  
8 transportation projects and service;

9 (4) demonstrate transparency and accountability; and

10 (5) address other issues the department considers  
11 necessary.

12 (h) The department shall develop and implement, and the  
13 commission shall approve, to the extent not in conflict with  
14 federal law, performance metrics and measures, including:

15 (1) congestion reduction;

16 (2) safety enhancements;

17 (3) expansion of economic opportunity;

18 (4) preservation of the value of existing  
19 transportation assets;

20 (5) environmental considerations;

21 (6) system reliability;

22 (7) freight mobility;

23 (8) cost efficiency of the department's operations;

24 (9) project procurement, delivery, and final cost; and

25 (10) enhancements in public participation in the  
26 infrastructure planning process.

27 (i) The requirement for the department to develop and

1 implement a performance-based planning and programming process  
2 does not replace or alter the requirement of the department to  
3 comply with the budgetary performance measures for each biennium as  
4 established in the General Appropriations Act. The department may  
5 not rely on its requirement to report budgetary performance  
6 measures as satisfying the requirements imposed under this section.

7 (j) The department shall develop and implement periodic  
8 reporting schedules for all performance metrics and measures  
9 required under this section.

10 SECTION 2. Subchapter P, Chapter 201, Transportation Code,  
11 is amended by adding Section 201.9901 to read as follows:

12 Sec. 201.9901. DEFINITIONS. In this subchapter:

13 (1) "Planning organization" means:

14 (A) a metropolitan planning organization; or

15 (B) for an area that is not within the boundaries  
16 of a metropolitan planning organization, the department district  
17 that serves the area.

18 (2) "Region" means the area for which a planning  
19 organization develops plans under this subchapter.

20 SECTION 3. Subchapter P, Chapter 201, Transportation Code,  
21 is amended by adding Sections 201.999 and 201.9991 to read as  
22 follows:

23 Sec. 201.999. PRIORITIZATION OF PROJECTS BY PLANNING  
24 ORGANIZATIONS. (a) All planning organizations in the state shall  
25 develop, adopt, and submit to the department guidelines governing  
26 the funding prioritization of the organizations' transportation  
27 projects.

1       (b) In developing guidelines under Subsection (a), a  
2 planning organization shall at a minimum consider:

3           (1) the time frame over which various types of  
4 projects are needed and developed;

5           (2) the readiness of projects considered for  
6 short-term and long-term funding opportunities;

7           (3) the short-term and long-term viability of a  
8 project, including whether the project is a comprehensive solution  
9 with a measurable benefit;

10          (4) local criteria determined by each metropolitan  
11 planning organization policy board that focus on local goals and  
12 objectives unique to each area; and

13          (5) all criteria established by the commission for  
14 prioritization of projects.

15       (c) In prioritizing projects, each planning organization  
16 shall include projects that meet short-term and long-term needs of  
17 the organization's jurisdiction with emphasis given to projects  
18 already approved in a regional transportation plan.

19       (d) Each planning organization shall submit to the  
20 department the funding prioritization for transportation projects  
21 in the organization's jurisdiction.

22       Sec. 201.9991. PRIORITIZATION OF PROJECTS BY DEPARTMENT AND  
23 APPROVED BY COMMISSION. (a) The department shall prioritize and  
24 the commission shall approve projects included in the statewide  
25 transportation plan under Section 201.601 in order to provide  
26 financial assistance under this chapter.

27       (b) The department shall establish and the commission shall

1 approve a performance-based process for setting funding levels for  
2 the categories of projects in the department's unified  
3 transportation program.

4 (c) The department shall establish and the commission shall  
5 approve a scoring system for prioritizing projects for which  
6 financial assistance is sought from the commission by planning  
7 organizations. The criteria used to score projects must take into  
8 consideration the department's strategic goals as approved by the  
9 commission. The system must account for the diverse needs of the  
10 state so as to fairly allocate funding to all regions of the state.

11 (d) The commission may make discretionary funding decisions  
12 for no more than 10 percent of the current biennial budget of the  
13 department.

14 (e) In scoring projects, the department shall consider  
15 projects that:

16 (1) address safety, maintenance, congestion  
17 mitigation, and connectivity;

18 (2) provide assistance to urban and rural populations;

19 (3) provide regional balance;

20 (4) meet a high percentage of the infrastructure needs  
21 of a community;

22 (5) have available funding;

23 (6) are able to begin without significant delay with  
24 consideration given to the time needed to purchase rights-of-way  
25 and complete environmental studies, if required;

26 (7) include public participation in the planning  
27 process and public support for the project;

1           (8) are in the state highway system; and

2           (9) meet other criteria adopted by the department.

3           (f) In addition to criteria under Subsection (e), in  
4 prioritizing projects the department shall consider other  
5 criteria, including:

6           (1) the local contribution to be made to construct the  
7 project;

8           (2) the financial capacity of the entity responsible  
9 for the project to repay the obligation if the assistance is in the  
10 form of a loan;

11           (3) the ability to timely leverage state financial  
12 support with local and federal funding;

13           (4) whether there is an emergency need for the  
14 project;

15           (5) whether all preliminary planning and design work  
16 associated with the project necessary to reasonably predict cost,  
17 construction period, and benefits of the project have been  
18 completed;

19           (6) whether all rights-of-way and easements necessary  
20 to begin construction have been acquired or approved;

21           (7) the start date for and certainty of the beginning  
22 of project construction;

23           (8) the demonstrated or projected impact on the  
24 community; and

25           (9) the priority given the project by the applicable  
26 planning organization under Section 201.999.

27           SECTION 4. (a) In this section:

1           (1) "Commission" means the Texas Transportation  
2 Commission.

3           (2) "Department" means the Texas Department of  
4 Transportation.

5           (b) Not later than the earlier of 30 days after the  
6 effective date of this Act or September 1, 2015:

7           (1) the speaker of the house of representatives shall  
8 appoint nine members to a House Select Committee on Transportation  
9 Planning and designate one member as chair; and

10           (2) the lieutenant governor shall appoint five members  
11 to a Senate Select Committee on Transportation Planning and  
12 designate one member as chair.

13           (b-1) In making appointments under Subsection (b) of this  
14 section, the speaker and the lieutenant governor should consider  
15 members that reflect diverse constituencies with respect to:

- 16           (1) geographic areas in the state;
- 17           (2) urban and rural areas; and
- 18           (3) ethnicity.

19           (b-1) In making appointments under Subsection (b) of this  
20 section, the speaker and the lieutenant governor shall consider  
21 members that reflect diverse constituencies with respect to:

- 22           (1) geographic areas in the state;
- 23           (2) gender; and
- 24           (3) ethnicity.

25           (c) The committees established under this section may meet  
26 separately at the call of the chair of the committee or jointly at  
27 the call of both chairs. In joint meetings, the chairs shall act as

1 joint chairs.

2 (d) The committees established under this section, meeting  
3 separately or jointly, shall review, study, and evaluate:

4 (1) department projections regarding the revenue  
5 needed by the department to maintain current maintenance,  
6 congestion, and connectivity conditions;

7 (2) the development of funding categories, the  
8 allocation of funding to such categories by formula, project  
9 selection authority for each funding category, and the development  
10 of project selection criteria for commission, department, and  
11 district-selected projects;

12 (3) department rules and policies regarding the  
13 development and implementation of performance-based scoring and  
14 decision making for project prioritization and selection of  
15 commission, department, and district-selected projects;

16 (4) the use and utilization of alternative methods of  
17 financing that have been authorized by the legislature for  
18 projects;

19 (5) performance metrics and measurement tools used by  
20 the department to evaluate the performance of a department project  
21 or program;

22 (6) the department's collaboration with state elected  
23 officials, local governments, government trade associations,  
24 metropolitan planning organizations, regional mobility  
25 authorities, and other entities when adopting rules or formulating  
26 policies;

27 (7) any proposed rule, policy, program, or plan of the



1 commission or department of statewide significance;

2 (8) any possible benefits of utilizing zero-based  
3 budgeting principles; and

4 (9) any other matter the committee considers  
5 appropriate.

6 (e) Following consideration of the factors described by  
7 Subsection (d) of this section, the committees shall prepare a  
8 written report on the reviewed subjects and shall, not later than  
9 November 1, 2016, provide to the legislature the report.

10 (f) The committees established under this section may  
11 exercise any power of a committee of their respective chambers and  
12 any powers of a joint committee. For the purposes of this section,  
13 the committees established under this section are considered a  
14 joint committee and the cost of operation of each committee may be  
15 borne in the same manner as the cost of a joint committee. The Texas  
16 Legislative Council may provide funding for the operations of the  
17 committees. To the extent not inconsistent with this section, the  
18 joint rules adopted by the 84th Legislature for the administration  
19 of joint interim legislative study committees apply to the  
20 committees established under this section.

21 (g) Not later than September 1, 2015, the department shall  
22 submit an initial report to the select committees. The report shall  
23 provide information necessary for the select committees to review,  
24 study, and evaluate the factors described by Subsections (d)(1),  
25 (2), and (3) of this section. Not later than November 1, 2015, the  
26 department shall submit to the select committees a preliminary  
27 report on the remaining factors described by Subsection (d) of this

1 section.

2 (h) The department shall submit reports to the select  
3 committees on any other matters not included in Subsection (d) of  
4 this section as requested by the committees.

5 (i) This section expires January 13, 2017.

6 SECTION 5. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2015.