

AN ACT

relating to the operations of and transportation planning and expenditures by the Texas Department of Transportation and planning organizations.

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

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

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

(f) The commission by rule shall develop and implement performance metrics and performance measures as part of:

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

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

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

(g) The commission by rule shall adopt and shall

1 periodically review performance metrics and measures to:

2 (1) assess how well the transportation system is
3 performing and operating in accordance with the requirements of 23
4 U.S.C. Section 134 or 135, as applicable;

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

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

10 (4) demonstrate transparency and accountability; and

11 (5) address other issues the commission considers
12 necessary.

13 (h) The requirement for the commission to develop and
14 implement a performance-based planning and programming process
15 does not replace or alter the requirement of the commission or
16 department to comply with the budgetary performance measures for
17 each biennium as established in the General Appropriations Act. The
18 commission may not rely on the satisfaction of the requirement to
19 report budgetary performance measures as satisfying the
20 requirements imposed under this section.

21 (i) The commission shall develop and implement periodic
22 reporting schedules for all performance metrics and measures
23 required under this section.

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

26 Sec. 201.9901. DEFINITIONS. In this subchapter:

27 (1) "Planning organization" means:

1 (A) a metropolitan planning organization; or

2 (B) for an area that is not within the boundaries
3 of a metropolitan planning organization, the department district
4 that serves the area.

5 (2) "Project" means a connectivity or new capacity
6 roadway project in the region of a planning organization. The term
7 does not include a safety project, bridge project, federal
8 discretionary project, maintenance project, or preservation
9 project.

10 (3) "Region" means the area for which a planning
11 organization develops plans under this subchapter.

12 (4) "Transportation official" means an official in a
13 political subdivision who has responsibility for planning and
14 implementation of transportation projects.

15 SECTION 3. Subchapter P, Chapter 201, Transportation Code,
16 is amended by adding Section 201.9911 to read as follows:

17 Sec. 201.9911. PLANNING ORGANIZATION 10-YEAR PLAN. (a)
18 Each planning organization shall develop a 10-year transportation
19 plan for the use of the funding allocated to the region. The
20 department shall assist the planning organizations by providing in
21 a timely manner such information as is reasonably requested by the
22 planning organizations.

23 (b) The first four years of the plan shall be developed to
24 meet the transportation improvement plan requirements of 23 U.S.C.
25 Section 134 or 135, as applicable.

26 (c) For an area that is not within the boundaries of a
27 metropolitan planning organization, the department district shall

1 develop the 10-year transportation plan with input from municipal
2 and county elected officials and transportation officials in the
3 region.

4 SECTION 4. Subchapter P, Chapter 201, Transportation Code,
5 is amended by adding Sections 201.9932 and 201.9991 to read as
6 follows:

7 Sec. 201.9932. PROJECT RECOMMENDATION CRITERIA. Each
8 planning organization shall develop its own project recommendation
9 criteria, which must include consideration of:

- 10 (1) projected improvements to congestion and safety;
- 11 (2) projected effects on economic development
12 opportunities for residents of the region;
- 13 (3) available funding;
- 14 (4) effects on the environment, including air quality;
- 15 (5) socioeconomic effects, including
16 disproportionately high and adverse health or environmental
17 effects on minority or low-income neighborhoods; and
- 18 (6) any other factors deemed appropriate by the
19 planning organization.

20 Sec. 201.9991. PRIORITIZATION AND APPROVAL OF PROJECTS BY
21 COMMISSION. (a) The commission by rule shall prioritize and
22 approve projects included in the statewide transportation plan
23 under Section 201.601 in order to provide financial assistance
24 under this chapter.

25 (b) The commission by rule shall establish a
26 performance-based process for setting funding levels for the
27 categories of projects in the department's unified transportation

1 program.

2 (c) The commission by rule shall establish a scoring system
3 for prioritizing projects for which financial assistance is sought
4 from the commission by planning organizations. The criteria used to
5 score projects must take into consideration the department's
6 strategic goals as approved by the commission in accordance with
7 the requirements of 23 U.S.C. Section 134 or 135, as applicable. The
8 system must account for the diverse needs of the state so as to
9 fairly allocate funding to all regions of the state.

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

13 SECTION 5. Section 222.001(a), Transportation Code, is
14 amended to read as follows:

15 (a) Money that is required to be used for public roadways by
16 the Texas Constitution or federal law and that is deposited in the
17 state treasury to the credit of the state highway fund, including
18 money deposited to the credit of the state highway fund under Title
19 23, United States Code, may be used only:

20 (1) to improve the state highway system; or

21 (2) to mitigate adverse environmental effects that
22 result directly from construction or maintenance of a state highway
23 by the department [~~, or~~

24 [~~(3) by the Department of Public Safety to police the state~~
25 ~~highway system and to administer state laws relating to traffic and~~
26 ~~safety on public roads]~~.

27 SECTION 6. Section 223.241, Transportation Code, is amended

1 by adding Subdivision (3) to read as follows:

2 (3) "Highway project" means:

3 (A) a single highway facility between two defined
4 points in a corridor; or

5 (B) two or more contiguous highway facilities.

6 SECTION 7. Section 223.242, Transportation Code, is amended
7 by adding Subsections (b-1), (f), and (g) and amending Subsections
8 (d) and (d-1) to read as follows:

9 (b-1) A design-build contract under this subchapter may
10 include a maintenance agreement requiring a design-build
11 contractor to maintain a project for an initial term of not longer
12 than five years. The maintenance agreement may authorize the
13 department, in its sole discretion, to exercise options extending
14 the term of the maintenance agreement for additional periods beyond
15 the initial maintenance term with each additional period being not
16 longer than five years. The department shall obtain pricing for the
17 maintenance work for each maintenance term. The department may
18 require separate pricing for the maintenance work to be performed
19 for each year of a maintenance term.

20 (d) The department may enter into a design-build contract
21 for a highway project with a construction cost estimate of \$150
22 [~~\$50~~] million or more to the department.

23 (d-1) The department may not enter into more than three
24 contracts under this section in each fiscal year [~~This subsection~~
25 ~~expires August 31, 2015~~].

26 (f) The department shall not use the design-build method for
27 the construction, expansion, extension, rehabilitation,

1 alteration, or repair of a highway project if the project is
2 substantially designed, to the extent described by Section
3 223.246(a)(5), by the department or another entity other than the
4 design-build contractor.

5 (g) The department shall not include more than one highway
6 project in a design-build contract.

7 SECTION 8. (a) In this section:

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

10 (2) "Department" means the Texas Department of
11 Transportation.

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

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

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

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

23 (1) geographic areas in the state;

24 (2) urban and rural areas; and

25 (3) ethnicity.

26 (c) The committees established under this section may meet
27 separately at the call of the chair of the committee or jointly at

1 the call of both chairs. In joint meetings, the chairs shall act as
2 joint chairs.

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

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

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

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

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

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

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

1 (7) any proposed rule, policy, program, or plan of the
2 commission or department of statewide significance;

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

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

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

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

22 (g) Not later than September 1, 2015, the department shall
23 submit an initial report to the select committees. The report shall
24 provide information necessary for the select committees to review,
25 study, and evaluate the factors described by Subsections (d)(1),
26 (2), and (3) of this section. Not later than March 31, 2016, the
27 department shall submit to the select committees a preliminary

1 report on the remaining factors described by Subsection (d) of this
2 section.

3 (h) This section expires January 9, 2017.

4 SECTION 9. (a) Section 223.242(b-1), Transportation Code,
5 as added by this Act, applies only to a contract entered into on or
6 after the effective date of this Act. A contract entered into
7 before that date is governed by the law as it existed on the date the
8 contract was entered into, and that law is continued in effect for
9 that purpose.

10 (b) Sections 223.242(f) and (g), Transportation Code, as
11 added by this Act, apply only to a highway project for which a
12 request for qualifications is issued on or after the effective date
13 of this Act. A highway project for which a request for
14 qualifications is issued before the effective date of this Act is
15 governed by the law in effect on the date the request for
16 qualifications was issued, and that law is continued in effect for
17 that purpose.

18 SECTION 10. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect August 31, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 20 was passed by the House on May 1, 2015, by the following vote: Yeas 135, Nays 2, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 20 on May 29, 2015, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 20 was passed by the Senate, with amendments, on May 27, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor