

By: Simmons, Pickett, Burkett

H.B. No. 20

Substitute the following for H.B. No. 20:

By: Martinez

C.S.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 local
4 transportation entities.

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; and

9 (4) demonstrate transparency and accountability.

10 (h) The department shall develop and implement, and the
11 commission shall approve, specific performance metrics and
12 measures for sustainable objectives, including:

13 (1) congestion reduction;

14 (2) safety enhancements;

15 (3) expansion of economic opportunity;

16 (4) preservation of the value of existing
17 transportation assets;

18 (5) environmental sustainability;

19 (6) system reliability;

20 (7) freight mobility;

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

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

23 (10) enhancements in public participation in the
24 infrastructure planning process.

25 (i) The requirement for the department to develop and
26 implement a performance-based planning and programming process
27 does not replace or alter the requirement of the department to

1 comply with the budgetary performance measures for each biennium as
2 established in the General Appropriations Act. The department may
3 not rely on its requirement to report budgetary performance
4 measures as satisfying the requirements imposed under this section.

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

8 SECTION 2. Subchapter P, Chapter 201, Transportation Code,
9 is amended by adding Sections 201.999 and 201.9991 to read as
10 follows:

11 Sec. 201.999. PRIORITIZATION OF PROJECTS BY LOCAL
12 TRANSPORTATION ENTITIES AND DEPARTMENT DISTRICTS. (a) All local
13 transportation entities in the state shall develop, adopt, and
14 submit to the department guidelines governing the funding
15 prioritization of the entities' transportation projects.

16 (b) In developing guidelines under Subsection (a), a local
17 transportation entity shall at a minimum consider:

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

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

22 (3) the viability and sustainability of a project,
23 including whether the project is a comprehensive solution with a
24 measurable benefit;

25 (4) local criteria determined by each metropolitan
26 planning organization policy board that focus on local goals and
27 objectives unique to each area; and

1 (5) all criteria established by the commission for
2 prioritization of projects.

3 (c) In prioritizing projects, each local transportation
4 entity and department district shall include projects that meet
5 short-term and long-term needs of the entity's jurisdiction with
6 emphasis given to projects already approved in a regional
7 transportation plan.

8 (d) Each local transportation entity and department
9 district shall submit to the department the funding prioritization
10 for transportation projects in the entity's jurisdiction.

11 Sec. 201.9991. PRIORITIZATION OF PROJECTS BY DEPARTMENT AND
12 APPROVED BY COMMISSION. (a) The department shall prioritize and
13 the commission shall approve projects included in the statewide
14 transportation improvement plan under Section 201.601 in order to
15 provide financial assistance under this chapter.

16 (b) The department shall establish and the commission shall
17 approve a performance-based process for setting funding levels for
18 the categories of projects in the department's unified
19 transportation program.

20 (c) The department shall establish and the commission shall
21 approve a scoring system for prioritizing projects for which
22 financial assistance is sought from the commission by local
23 transportation entities. The criteria used to score projects must
24 take into consideration the department's strategic goals as
25 approved by the commission. The system must account for the diverse
26 needs of the state so as to fairly allocate funding to all regions
27 of the state.

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

4 (e) In scoring projects, the department shall give priority
5 to projects that:

6 (1) address safety, maintenance, congestion
7 mitigation, and connectivity;

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

9 (3) provide regional balance;

10 (4) meet a high percentage of the infrastructure needs
11 of a community;

12 (5) have available funding;

13 (6) are able to begin without significant delay; and

14 (7) include public participation in the planning
15 process and public support for the project.

16 (f) In addition to criteria under Subsection (e), in
17 prioritizing projects the department shall consider:

18 (1) the local contribution to be made to construct the
19 project;

20 (2) the financial capacity of the entity responsible
21 for the project to repay the obligation if the assistance is in the
22 form of a loan;

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

25 (4) whether there is an emergency need for the
26 project;

27 (5) whether all preliminary planning and design work

1 associated with the project necessary to reasonably predict cost,
2 construction period, and benefits of the project have been
3 completed;

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

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

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

10 (9) the priority given the project by the applicable
11 local transportation entity under Section 201.999.

12 SECTION 3. (a) In this section:

13 (1) "Commission" means the Texas Transportation
14 Commission.

15 (2) "Department" means the Texas Department of
16 Transportation.

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

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

22 (2) the lieutenant governor shall appoint nine members
23 to a Senate Select Committee on Transportation Planning and
24 designate one member as chair.

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; and

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

1 commission or department of statewide significance.

2 (e) Following consideration of the factors described by
3 Subsection (d) of this section, the committees shall jointly adopt
4 recommendations related to the reviewed subjects and shall, not
5 later than November 1, 2016, provide to the legislature a written
6 report of the committees' recommendations on the reviewed subjects.

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

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

26 (h) The department shall submit reports to the select
27 committees on any other matters not included in Subsection (d) of

1 this section as requested by the committees.

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

3 SECTION 4. Section [201.117](#), Transportation Code, is
4 repealed.

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