

By: Simmons

H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Chapter 201, Transportation Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. ADVISORY COMMITTEES

Sec. 201.151. STATE INFRASTRUCTURE ADVISORY COMMITTEE. (a)

In this section, "advisory committee" means the state infrastructure advisory committee.

(b) The state infrastructure advisory committee is composed of the following six members:

(1) three members of the senate appointed by the lieutenant governor, including:

(A) a member of the committee having primary jurisdiction over matters relating to finance; and

(B) the chair of the committee having primary jurisdiction over transportation; and

(2) three members of the house of representatives appointed by the speaker of the house of representatives, including:

(A) a member of the committee having primary jurisdiction over matters relating to appropriations; and

1 (B) the chair of the committee having primary
2 jurisdiction over transportation.

3 (c) The following persons shall serve as staff support for
4 the advisory committee:

5 (1) a member of the senior staff of the department,
6 designated by the director, who has management-level
7 responsibility for the design, implementation, and ongoing review
8 of project selection criteria for transportation infrastructure
9 projects;

10 (2) a member of the senior staff of the department,
11 designated by the director, who has management-level
12 responsibility for the funding and financing of transportation
13 infrastructure projects;

14 (3) a member of the senior staff of the department,
15 designated by the director, who has management-level
16 responsibility relating to the department's policies on innovation
17 and strategy;

18 (4) a member of the staff of the internal auditor of
19 the department, designated by the commission; and

20 (5) the support staff of the commission.

21 (d) A member of the advisory committee serves at the will of
22 the person who appointed the member.

23 (e) The chairs of the committees of the house of
24 representatives and senate having primary jurisdiction over
25 transportation serve as co-presiding officers of the advisory
26 committee.

27 (f) The advisory committee may hold public hearings, formal

1 meetings, or work sessions called by either co-presiding officer of
2 the committee at any time. The advisory committee may not take
3 formal action at a public hearing, formal meeting, or work session
4 unless a quorum of the committee is present.

5 (g) Except as otherwise provided by this subsection, a
6 member of the advisory committee is not entitled to receive
7 compensation for service on the committee. Service on the advisory
8 committee is considered legislative service for which a member of
9 the advisory committee is entitled to reimbursement and other
10 benefits in the same manner and to the same extent as for other
11 legislative service.

12 (h) The advisory committee shall submit a report to the
13 commission regarding transportation funding, project selection,
14 and financing matters for use by the commission. The report must
15 include an assessment of and recommendations on:

16 (1) department rules and policies regarding the
17 preparation for and allocation of construction funding for projects
18 involving commission discretion under the department's unified
19 transportation program;

20 (2) department rules and policies regarding the
21 development and implementation of performance-based scoring and
22 decision-making for project prioritization and selection;

23 (3) all available programs or funds for providing
24 financing for projects included in the unified transportation
25 program, including guidelines for the ongoing use of each program
26 or fund that has been authorized by the legislature;

27 (4) the use of and lending practices related to the

1 Texas Mobility Fund;

2 (5) performance metrics and measurement tools used by
3 the department to evaluate the performance of a department project
4 or program;

5 (6) the department's collaboration with state elected
6 officials, local governments, government trade associations,
7 metropolitan planning organizations, regional mobility
8 authorities, and other entities when adopting rules or formulating
9 policies;

10 (7) the department's innovation and technology
11 projects and programs, including information technology projects
12 and technology advances in construction, maintenance, traffic
13 management, and motor vehicles;

14 (8) the department's safety and maintenance projects
15 and programs, including projects and programs related to energy
16 sector roads and bridges; and

17 (9) the overall operation, function, and structure of
18 the department and the commission.

19 (i) This subsection and Subsection (h) expire September 1,
20 2017.

21 (j) The advisory committee may advise and make
22 recommendations to the department and commission on any matter at
23 any time, including regarding information to be posted on the
24 department's Internet website.

25 (k) The advisory committee may adopt policies and
26 procedures as needed to implement this section and its
27 responsibilities.

1 (1) On the recommendation of the advisory committee, the
2 department shall enter into a contract with an independent firm for
3 a forensic audit of the actions of the department or commission in
4 an area of interest determined by the advisory committee, including
5 procurement procedures, information technology practices, toll
6 operations, organizational structure, methods of funding or
7 financing of projects, organizational transparency, external
8 communications, and project selection.

9 (m) Chapter 2110, Government Code, does not apply to the
10 advisory committee.

11 (n) The advisory committee is subject to Chapter 325,
12 Government Code (Texas Sunset Act). Unless continued in existence
13 as provided by that chapter, the committee is abolished and this
14 section expires September 1, 2025.

15 Sec. 201.152. STAKEHOLDER ADVISORY COMMITTEES. (a) The
16 commission shall establish one or more stakeholder advisory
17 committees to make recommendations to the commission or department
18 before the adoption of a rule, policy, or procedure affecting the
19 stakeholders. An advisory committee has the purposes, powers, and
20 duties prescribed by the commission.

21 (b) Chapter 2110, Government Code, does not apply to a
22 stakeholder advisory committee established under this section.

23 (c) The commission shall appoint to each stakeholder
24 advisory committee persons who:

- 25 (1) are selected from a list provided by the director;
26 (2) have knowledge about and interests in the work of
27 the advisory committee being established; and

1 (3) represent a broad range of viewpoints on the work
2 of the advisory committee being established.

3 (d) A stakeholder advisory committee must include a member
4 of the public if appropriate and beneficial.

5 (e) A member of a stakeholder advisory committee may not be
6 compensated by the commission or the department for service on the
7 advisory committee.

8 (f) The meetings of a stakeholder advisory committee must be
9 made accessible to the public in person or through electronic
10 means.

11 SECTION 2. Subchapter H, Chapter 201, Transportation Code,
12 is amended by adding Sections 201.6016 and 201.6017 to read as
13 follows:

14 Sec. 201.6016. PRIORITIZATION OF PROJECTS BY LOCAL
15 TRANSPORTATION ENTITIES AND DEPARTMENT DISTRICTS. (a) The
16 department shall work with all local transportation entities in the
17 state to develop and adopt uniform guidelines governing the funding
18 prioritization of the entities' transportation projects.

19 (b) The commission, in consultation with department staff,
20 shall establish a project selection stakeholders advisory
21 committee that represents diverse interests in the state. The
22 committee is composed of:

23 (1) the presiding officer of the governing body or a
24 person designated by the presiding officer of at least:

25 (A) 10 metropolitan planning organizations; and

26 (B) 3 regional mobility authorities; and

27 (2) 10 department district engineers.

1 (c) The project selection stakeholders advisory committee
2 shall review proposed guidelines from each local transportation
3 entity and recommend to the department uniform guidelines to be
4 adopted under Subsection (a) and implemented by all local
5 transportation entities and department districts.

6 (d) In making recommendations under Subsection (c), the
7 project selection stakeholders advisory committee shall consider:

8 (1) the time frame in which a project is needed;

9 (2) the feasibility of a project, including the
10 availability of rights-of-way, funding support, and the ability to
11 plan, design, and construct the project in a reasonable period of
12 time;

13 (3) the viability of a project, including whether the
14 project is a comprehensive solution with a measurable outcome;

15 (4) the sustainability of a project, assessing how the
16 project will meet the needs of the community, stakeholders, and the
17 environment; and

18 (5) all criteria established by the commission for
19 prioritization of projects.

20 (e) In prioritizing projects, each local transportation
21 entity and department district shall include projects that meet
22 short-term and long-term needs of the entity's jurisdiction.

23 (f) Uniform standards established under this section must
24 be approved by the commission.

25 (g) Using the uniform standards established under this
26 section, each local transportation entity and department district
27 shall submit to the department the funding prioritization for

1 transportation projects in the entity's jurisdiction.

2 Sec. 201.6017. PRIORITIZATION OF PROJECTS BY DEPARTMENT AND
3 APPROVED BY COMMISSION. (a) The department shall prioritize and
4 the commission shall approve projects included in the statewide
5 transportation plan under Section 201.601 in order to provide
6 financial assistance under this chapter.

7 (b) The department shall establish and the commission shall
8 approve an overall performance-based process for setting category
9 funding levels in the department's unified transportation program.
10 The department shall consider a zero-based budget approach to
11 address safety, maintenance, congestion, connectivity, economic
12 development, and other needs.

13 (c) The department shall establish and the commission shall
14 approve a point system for prioritization of projects for which
15 financial assistance is sought from the commission. The project
16 evaluation criteria must take into consideration the department's
17 strategic goals as approved by the commission. The system must
18 include a standard for the department to apply in determining how to
19 take into account the diverse needs of the state so as to fairly
20 allocate funding to all regions of the state.

21 (d) The department may not recommend and the commission may
22 not approve a deviation from the department's selection of projects
23 for funding of more than 10 percent of the current biennial budget
24 of the department. A deviation must be reviewed with the state
25 infrastructure advisory committee before the commission takes
26 action. Not less than 60 days before approving a deviation, the
27 commission must provide notice of that pending approval to the

1 state infrastructure advisory committee.

2 (e) In awarding points to projects, the department shall
3 give priority to projects that:

4 (1) address safety, maintenance, congestion
5 mitigation, and connectivity;

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

7 (3) provide regional balance;

8 (4) meet a high percentage of the infrastructure needs
9 of a community;

10 (5) have available funding;

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

12 (7) include public participation in the planning
13 process and public support for the project.

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

16 (1) the local contribution to be made to construct the
17 project;

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

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

23 (4) whether there is an emergency need for the
24 project;

25 (5) whether all preliminary planning and design work
26 associated with the project necessary to reasonably predict cost,
27 construction period, and benefits of the project have been

1 completed;

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

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

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

8 (9) the priority given the project by the applicable
9 local transportation entity under Section 201.6016.

10 SECTION 3. Section 201.809, Transportation Code, is amended
11 by adding Subsections (e) through (j) to read as follows:

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

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

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

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

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

1 (g) The department shall use and the commission shall review
2 performance metrics and measures to:

3 (1) assess how well the transportation system is
4 operating;

5 (2) provide the department, legislature,
6 stakeholders, and public with information to support decisions;

7 (3) assess the effectiveness and efficiency of
8 transportation projects and service delivery; 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) cost efficiency of the department's operations;

19 (6) project procurement, delivery, and final cost; and

20 (7) enhancements in public participation in the
21 infrastructure planning process.

22 (i) The requirement for the department to develop and
23 implement a performance-based planning and programming process
24 does not replace or alter the requirement of the department to
25 comply with the budgetary performance measures for each biennium as
26 established in the General Appropriations Act. The department may
27 not rely on its requirement to report budgetary performance

1 measures as satisfying the requirements imposed under this section.

2 (j) The department shall develop and implement monthly and
3 annual reporting schedules for all performance metrics and measures
4 required under this section.

5 SECTION 4. Section 201.117, Transportation Code, is
6 repealed.

7 SECTION 5. Not later than January 1, 2017, the state
8 infrastructure advisory committee established by Section 201.151,
9 Transportation Code, as added by this Act, shall submit to the
10 legislature the report required by that section.

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