

SENATE AMENDMENTS

2nd Printing

By: Pickett, Phillips, Martinez, Simmons,
Burkett, et al.

H.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT
2 relating to categories of and funding allocation for transportation
3 projects 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. Subchapter P, Chapter 201, Transportation Code,
7 is amended by adding Sections 201.9901 and 201.9902 to read as
8 follows:

9 Sec. 201.9901. DEFINITIONS. In this subchapter:

10 (1) "Planning organization" means:

11 (A) a metropolitan planning organization; or

12 (B) for an area that is not within the boundaries
13 of a metropolitan planning organization, the department district
14 that serves the area.

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

17 (3) "Transportation official" means an official in a
18 political subdivision who has responsibility for planning and
19 implementation of transportation projects.

20 Sec. 201.9902. UPDATE TO TRANSPORTATION FUNDING CATEGORIES
21 AND ALLOCATION FORMULAS. (a) Not later than October 1, 2015, the
22 commission shall initiate a process to review the categories and
23 formulas adopted under Sections 201.991(b)(2) and 201.996.

24 (b) The review process must include an effort by the

1 department to seek the collective input of all planning
2 organizations in the state. The department shall convene meetings
3 as necessary to facilitate discussions among planning
4 organizations that will result in a consensus recommendation among
5 a majority of the planning organizations as to updated funding
6 categories and funding allocation formulas.

7 (c) Not later than May 1, 2016, the commission shall adopt
8 rules implementing updated funding categories and funding
9 allocation formulas. To the extent that the adopted categories or
10 funding allocation formulas differ from the consensus
11 recommendations of the planning organizations, the commission must
12 provide a detailed written explanation for the differences. The
13 explanation must be made available on the department's Internet
14 website.

15 (d) This section expires September 1, 2017.

16 SECTION 2. Subchapter P, Chapter 201, Transportation Code,
17 is amended by adding Sections 201.9911, 201.9921, 201.9931, and
18 201.9932 to read as follows:

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

25 (b) The plan must identify the items described by Section
26 201.9921(b) as applicable to the planning organization and the
27 funding of transportation projects in the region.

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

4 (d) For an area that is not within the boundaries of a
5 metropolitan planning organization, the department district shall
6 develop the 10-year transportation plan with input from municipal
7 and county elected officials and transportation officials in the
8 region.

9 Sec. 201.9921. TEN-YEAR CASH FLOW PROJECTION. (a) Not
10 later than September 1 of each odd-numbered year, the department's
11 chief financial officer shall prepare and publish a cash flow
12 forecast for a period of not less than 10 years.

13 (b) The forecast must identify:

14 (1) the aggregate amount of all sources of funding
15 available for eligible transportation projects;

16 (2) the amount previously committed to eligible
17 transportation projects based on actions of the commission;

18 (3) the amount not committed to projects but that the
19 department anticipates allocating during the forecast period
20 through formulas adopted under Section 201.996; and

21 (4) the sources of all funds projected to be available
22 during the forecast period, including bond proceeds, and an
23 estimation of debt service payments associated with the bond
24 proceeds.

25 (c) The first two years of the forecast must be based on the
26 appropriation of funds in the General Appropriations Act for the
27 department for that biennium.

1 Sec. 201.9931. PLANNING ORGANIZATION PROJECT SELECTION AND
2 PRIORITIZATION. (a) Each planning organization shall select
3 projects in its region and prioritize them using the criteria
4 developed under Section 201.9932.

5 (b) For an area not located within the boundaries of a
6 metropolitan planning organization, the applicable department
7 district shall select projects and prioritize them with input from
8 municipal and county elected officials and transportation
9 officials using the criteria developed under Section 201.9932.

10 (c) The department shall compile the project selections of
11 the planning organizations to develop the statewide transportation
12 plan in accordance with 23 U.S.C. Section 135.

13 Sec. 201.9932. PROJECT SELECTION CRITERIA. Each planning
14 organization shall develop its own project selection criteria,
15 which must include consideration of:

- 16 (1) projected improvements to congestion and safety;
17 (2) projected effects on economic development
18 opportunities for residents of the region;
19 (3) available funding, including locally generated
20 funding;
21 (4) effects on the environment, including air quality;
22 (5) socioeconomic effects; and
23 (6) any other factors deemed appropriate by the
24 planning organization.

25 SECTION 3. Section 201.996, Transportation Code, is amended
26 by adding Subsection (d) to read as follows:

27 (d) The commission may not consider transferring funds

1 between categories by any method outside the established formulas
2 or allocating funds subject to the discretion of the commission
3 unless:

4 (1) the commission considers the transfer or
5 allocation at a regularly scheduled commission meeting; and

6 (2) the department presents to the commission a
7 written explanation of the transfer, including the need and
8 justification for the deviation from the formula allocation or use
9 of discretionary funds, at a regularly scheduled commission meeting
10 held in the month before the meeting described by Subdivision (1).

11 SECTION 4. Subchapter P, Chapter 201, Transportation Code,
12 is amended by adding Section 201.9961 to read as follows:

13 Sec. 201.9961. USE OF ADDITIONAL REVENUE AND BOND PROCEEDS
14 FOR CERTAIN PROJECTS. (a) If money from the general revenue fund
15 or state highway fund is appropriated to the department for the
16 state fiscal biennium beginning September 1, 2015, in an amount
17 that exceeds the appropriation from those funds to the department
18 for the previous fiscal biennium, or if a constitutional amendment
19 providing additional money to the department is adopted, the
20 commission may use the additional money to finance projects that
21 would otherwise be financed using proceeds from:

22 (1) the sale and issuance of bonds and other public
23 securities secured by the state highway fund under Section 49-n,
24 Article III, Texas Constitution, as proposed by H.J.R. 28, 78th
25 Legislature, Regular Session, 2003; or

26 (2) general obligation bonds issued under Section
27 49-p, Article III, Texas Constitution.

1 (b) The commission shall determine whether the unused
2 proceeds from bonds described by Subsection (a) may be used to
3 finance projects, in addition to those allocated funding under
4 Section 201.996, that reduce congestion, increase capacity, reduce
5 tolls, or promote safety. The commission shall adopt rules
6 establishing criteria for projects to be considered eligible for
7 financing under this subsection.

8 (c) Not later than the 30th day before the date the
9 commission authorizes the use of money under this section, the
10 commission shall hold a public meeting to consider that
11 authorization.

12 (d) This section expires September 1, 2017.

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

ADOPTED

MAY 28 2015


Secretary of the Senate

By: Pickett/Nichols

H.B. No. 13

Substitute the following for H.B. No. 13:

By: PHS Lee N. R.

C.S. H.B. No. 13

A BILL TO BE ENTITLED

1

AN ACT

2 relating to categories of and funding allocation for transportation
3 projects 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. Subchapter P, Chapter 201, Transportation Code,
7 is amended by adding Sections 201.9901 and 201.9902 to read as
8 follows:

9 Sec. 201.9901. DEFINITIONS. In this subchapter:

10 (1) "Planning organization" means:

11 (A) a metropolitan planning organization; or

12 (B) for an area that is not within the boundaries
13 of a metropolitan planning organization, the department district
14 that serves the area.

15 (2) "Project" means a connectivity or new capacity
16 roadway project in the region of a planning organization. The term
17 does not include a safety project, bridge project, federal
18 discretionary project, maintenance project, or preservation
19 project.

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

22 (4) "Transportation official" means an official in a
23 political subdivision who has responsibility for planning and
24 implementation of transportation projects.

1 Sec. 201.9902. UPDATE TO TRANSPORTATION FUNDING CATEGORIES
2 AND ALLOCATION FORMULAS. (a) Not later than October 1, 2015, the
3 commission shall initiate a process to review the categories and
4 formulas adopted under Sections 201.991(b)(2) and 201.996.

5 (b) The review process must include an effort by the
6 department to seek the collective input of all planning
7 organizations in the state. The department shall convene meetings
8 as necessary to facilitate discussions among planning
9 organizations that will result in a consensus recommendation among
10 a majority of the planning organizations as to updated funding
11 categories and funding allocation formulas.

12 (c) Not later than May 1, 2016, the commission shall adopt
13 rules implementing updated funding categories and funding
14 allocation formulas. To the extent that the adopted categories or
15 funding allocation formulas differ from the consensus
16 recommendations of the planning organizations, the commission must
17 provide a detailed written explanation for the differences. The
18 explanation must be made available on the department's Internet
19 website.

20 (d) This section expires September 1, 2017.

21 SECTION 2. Subchapter P, Chapter 201, Transportation Code,
22 is amended by adding Sections 201.9911, 201.9921, 201.9931, and
23 201.9932 to read as follows:

24 Sec. 201.9911. PLANNING ORGANIZATION 10-YEAR PLAN. (a)
25 Each planning organization shall develop a 10-year transportation
26 plan for the use of the funding allocated to the region. The
27 department shall assist the planning organizations by providing in

1 a timely manner such information as is reasonably requested by the
2 planning organizations.

3 (b) The plan must identify the items described by Section
4 201.9921(b) as applicable to the planning organization and the
5 funding of transportation projects in the region.

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

9 (d) For an area that is not within the boundaries of a
10 metropolitan planning organization, the department district shall
11 develop the 10-year transportation plan with input from municipal
12 and county elected officials and transportation officials in the
13 region.

14 Sec. 201.9921. TEN-YEAR CASH FLOW PROJECTION. (a) Not
15 later than September 1 of each odd-numbered year, the department's
16 chief financial officer shall prepare and publish a cash flow
17 forecast for a period of not less than 10 years.

18 (b) The forecast must identify:

19 (1) the aggregate amount of all sources of funding
20 available for eligible transportation projects;

21 (2) the amount previously committed to eligible
22 transportation projects based on actions of the commission;

23 (3) the amount not committed to projects but that the
24 department anticipates allocating during the forecast period
25 through formulas adopted under Section 201.996; and

26 (4) the sources of all funds projected to be available
27 during the forecast period, including bond proceeds, and an

1 estimation of debt service payments associated with the bond
2 proceeds.

3 (c) The first two years of the forecast must be based on the
4 appropriation of funds in the General Appropriations Act for the
5 department for that biennium.

6 Sec. 201.9931. PROJECT RECOMMENDATION AND PRIORITIZATION.

7 (a) Each planning organization shall recommend projects in its
8 region and prioritize them using the criteria developed under
9 Section 201.9932 and in accordance with 23 U.S.C. Section 135.

10 (b) For an area not located within the boundaries of a
11 metropolitan planning organization, the applicable department
12 district shall recommend projects and prioritize them with input
13 from municipal and county elected officials and transportation
14 officials using the criteria developed under Section 201.9932 and
15 in accordance with 23 U.S.C. Section 135.

16 (c) The department shall compile the project
17 recommendations of the planning organizations to develop the
18 statewide transportation plan in accordance with 23 U.S.C. Section
19 135.

20 Sec. 201.9932. PROJECT RECOMMENDATION CRITERIA. Each
21 planning organization shall develop its own project recommendation
22 criteria, which must include consideration of:

- 23 (1) projected improvements to congestion and safety;
24 (2) projected effects on economic development
25 opportunities for residents of the region;
26 (3) available funding;
27 (4) effects on the environment, including air quality;

1 (5) socioeconomic effects, including
2 disproportionately high and adverse health or environmental
3 effects on minority or low-income neighborhoods; and

4 (6) any other factors considered appropriate by the
5 planning organization, including local criteria that focus on
6 objectives unique to the organization's jurisdiction.

7 SECTION 3. Section 201.996, Transportation Code, is amended
8 by adding Subsection (d) to read as follows:

9 (d) The commission may not consider transferring funds
10 between categories by any method outside the established formulas
11 or allocating funds subject to the discretion of the commission
12 unless:

13 (1) the commission considers the transfer or
14 allocation at a regularly scheduled commission meeting; and

15 (2) the department presents to the commission a
16 written explanation of the transfer, including the need and
17 justification for the deviation from the formula allocation or use
18 of discretionary funds, at a regularly scheduled commission meeting
19 held in the month before the meeting described by Subdivision (1).

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2015.

ADOPTED

MAY 27 2015

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Bob Hall*

Amend C.S.H.B. 13 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 542.2035, Transportation Code, is amended to read as follows:

Sec. 542.2035. AUTOMATED TRAFFIC CONTROL SYSTEM PROHIBITED [~~LIMITATION ON MUNICIPALITIES~~]. (a) A local authority [~~municipality~~] may not implement or operate an automated traffic control system with respect to a highway or street under its jurisdiction for a purpose other than collecting or enforcing a toll [~~the purpose of enforcing compliance with posted speed limits~~]. The attorney general shall enforce this subsection.

(b) In this section, "automated traffic control system" means a photographic traffic signal enforcement system, as defined by Section 707.001 [~~a photographic device, radar device, laser device, or other electrical or mechanical device designed to:~~

[~~(1) record the speed of a motor vehicle; and~~

[~~(2) obtain one or more photographs or other recorded images of:~~

[~~(A) the vehicle;~~

[~~(B) the license plate attached to the vehicle; or~~

[~~(C) the operator of the vehicle~~].

(c) For the purposes of this section, "local authority" includes a school district, a governmental agency that provides services to a school district, and an intermediate educational agency.

SECTION __. The heading to Chapter 707, Transportation Code, is amended to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL
ENFORCEMENT SYSTEM PROHIBITED

SECTION __. Sections 707.001(3) and (4), Transportation Code, are amended to read as follows:

(3) "Photographic traffic signal enforcement system" means a device or system that:

(A) consists of:

(i) a camera system and vehicle sensor that are:

(a) installed to exclusively work in conjunction with an electrically operated traffic-control signal; and

(b) [~~(B)~~ ~~is~~] capable of producing [~~at least two~~] recorded images that depict the operator of a motor vehicle or the license plate attached to the front or the rear of a motor vehicle that is not being operated in compliance with the instructions of the traffic-control signal; or

(ii) a radar unit or sensor linked to:

(a) a camera or other recording device that is capable of producing a photograph, microphotograph, videotape, or other recorded image of the operator of a motor vehicle or the license plate attached to the front or the rear of a motor vehicle; or

(b) a device that is capable of reading a license plate attached to the front or the rear of a motor vehicle or otherwise identifying a motor vehicle; or

(B) is capable of taking photographic, electronic, video, or digital images of vehicles that pass a bus.

(4) "Recorded image" means a photographic or digital image that depicts the front or the rear of a motor vehicle or the operator of a motor vehicle.

SECTION __. Chapter 707, Transportation Code, is amended by adding Section 707.0015 to read as follows:

Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter does not apply to a photographic traffic signal enforcement system that is used for the purpose of collecting or enforcing tolls.

SECTION 5. Chapter 707, Transportation Code, is amended by adding Section 707.020 to read as follows:

Sec. 707.020. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other law, the state, a school district, a governmental agency that provides services to a school district, an intermediate educational agency, or another political subdivision of the state may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

SECTION __. Section 27.031(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$10,000, exclusive of interest;

(2) cases of forcible entry and detainer; and

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction[~~;~~ ~~and~~

~~[(4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits].~~

SECTION __. Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee on filing in district court imposed under Section 133.151;

(2) the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152;

(3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;

(4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;

(5) the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;

(6) the filing fees for the judicial fund imposed in statutory probate courts under Section 51.704, Government Code;

(7) fees collected under Section 118.015;

(8) marriage license fees for the family trust fund collected under Section 118.018;

(9) marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section 118.022; and

(10) the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154[; ~~and~~

~~[(11) the portion of the civil or administrative penalty described by Section 542.406(c)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal;~~

~~[(11) the portion of the civil or administrative penalty described by Section 707.008(a)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal].~~

SECTION __. The following are repealed:

- (1) Section 29.003(g), Government Code;
- (2) Sections 542.405, 542.406, and 544.012, Transportation Code; and
- (3) Sections 707.002, 707.0021, 707.003, 707.004, 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011, 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and 707.019, Transportation Code.

SECTION __. (a) The repeal by this Act of Sections 542.405 and 542.406, Transportation Code, and provisions of Chapter 707, Transportation Code, does not affect the validity of a proceeding initiated or a civil penalty imposed under those provisions before the effective date of this Act. A proceeding initiated or a civil penalty imposed under those provisions before the effective date of this Act is governed by the applicable law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Notwithstanding the repeal by this Act of Sections 542.405 and 542.406 and provisions of Chapter 707, Transportation Code, if before June 1, 2015, a local authority had enacted an ordinance under those provisions to implement a photographic traffic signal enforcement system and entered into a contract for the administration and enforcement of the system, the local authority may continue to operate the system under that ordinance and under the terms of that contract until the expiration date specified in the contract as the contract existed on June 1, 2015.

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

ADOPTED

FLOOR AMENDMENT NO.

2

MAY 27 2015

Lately Spaw
Secretary of the Senate

BY:

Van Tyl

1 Amend C.S.H.B. No. 13 (senate committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 228.201, Transportation Code, is
5 amended by amending Subsection (a) and adding Subsection (c) to
6 read as follows:

7 (a) The department may not operate a nontolled state
8 highway or a segment of a nontolled state highway as a toll
9 project, and may not transfer a highway or segment to another
10 entity for operation as a toll project, unless:

11 (1) the commission by order designated the highway or
12 segment as a toll project before the contract to construct the
13 highway or segment was awarded;

14 (2) the project was designated as a toll project in a
15 plan or program of a metropolitan planning organization on or
16 before September 1, 2005;

17 (3) the highway or segment is reconstructed so that
18 the number of nontolled lanes on the highway or segment is
19 greater than or equal to the number in existence before the
20 reconstruction; or

21 (4) a facility is constructed adjacent to the highway
22 or segment so that the number of nontolled lanes on the
23 converted highway or segment and the adjacent facility together
24 is greater than or equal to the number in existence on the
25 converted highway or segment before the conversion[~~;~~ ~~or~~

26 (5) subject to Subsections [Subsection] (b) and (c),
27 the highway or segment was open to traffic as a high-occupancy
28 vehicle lane on May 1, 2005.

29 (c) The department may not operate or transfer a high-

1 occupancy vehicle lane under Subsection (a)(5) as a tolled lane
2 if the lane is part of U.S. Highway 75.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB13 by Pickett (Relating to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities.), As **Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB13, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2017.

However, there would be an estimated revenue loss of (\$32,206,000) to Regional Trauma Account 5137 in the 2016-17 biennium.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Regional Trauma Account 5137	Probable Revenue Gain/(Loss) from Local Authorities
2016	(\$16,103,000)	(\$16,103,000)
2017	(\$16,103,000)	(\$16,103,000)
2018	(\$16,103,000)	(\$16,103,000)
2019	(\$16,103,000)	(\$16,103,000)
2020	(\$16,103,000)	(\$16,103,000)

Fiscal Analysis

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to initiate a process to review and update the funding categories and formulas adopted by the Texas Transportation Commission (TTC) for the Unified Transportation Program (UTP). The bill would require TxDOT to seek the input of metropolitan planning organizations (MPO) and TxDOT districts in the review process and to convene meetings to facilitate discussions among the planning organizations to achieve a consensus recommendation regarding updated UTP categories and formulas. The bill would require the TTC to adopt rules updating the categories and funding formulas no later than May 1, 2016. The bill would require each MPO, and applicable TxDOT districts for areas outside the boundaries of a MPO, to develop a 10-year plan for the use of funding allocated to the region. The bill would require chief financial officer of TxDOT to prepare and publish 10-year cash flow projection to identify transportation project funding, commitments, and allocations. The bill would require the TTC to hold a public hearing prior to the transfer of funds between categories in the UTP.

The bill would amend the Transportation Code to prohibit TxDOT from operating as a toll lane or transferring to another entity for operation as a toll lane a high occupancy vehicle (HOV) lane that is part of U.S. Highway 75 that was open to traffic as a HOV lane on May 1, 2005.

The bill would amend the Transportation, Government, and Local Government Codes relating to the authority of a local governing body to impose a civil penalty for certain violations recorded by a traffic camera.

The bill would amend Section 542.2035 of the Transportation Code to prohibit a local government authority from implementing or operating an automated traffic control system for a purpose other than collecting or enforcing a toll.

The bill would re-title Chapter 707 of the Transportation Code to "Photographic Traffic Signal Enforcement System Prohibited", and amend the definition of photographic traffic signal enforcement system. The bill would add Section 707.0015 excepting photographic toll traffic enforcement from the provisions of this chapter.

The bill would add Section 707.020 prohibiting the state or any political subdivision of the state from issuing a civil or criminal charge or citation for a violation based on a recorded image produced by a photographic traffic signal enforcement system.

The bill would amend Section 27.031(a) of the Government Code to remove cases arising under Chapter 707 of the Transportation Code, regarding photographic traffic signals, from the cases for which a justice court has original jurisdiction.

The bill would amend Section 133.004 of the Local Government Code to remove civil fees collected by a local authority for compliance with a traffic control signal from the civil fees to which this chapter applies.

The bill would repeal Section 29.003(g) of the Government Code, and Sections 542.405, 542.406, 544.012, and certain sections of Chapter 707 of the Transportation Code.

The bill would take effect immediately upon receiving two-thirds votes in both houses; otherwise, it would take effect September 1, 2015.

Methodology

Currently 50 percent of the fines collected for traffic violations relating to traffic cameras are deposited to the credit of GR Account 5137-Regional Trauma, and the remaining collections are used by local authorities to fund traffic safety programs. The estimated fiscal impacts were based on the *2016-17 Biennial Revenue Estimate*.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill related to transportation funding and highways could be absorbed within the agency's existing resources.

Local Government Impact

The revenue loss to each affected local government entity would vary depending on the number of systems in place and the number of traffic violations enforced through the photographic system.

Source Agencies: 304 Comptroller of Public Accounts, 601 Department of Transportation

LBB Staff: UP, AG, NV, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB13 by Pickett (Relating to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to initiate a process to review and update the funding categories and formulas adopted by the Texas Transportation Commission (TTC) for the Unified Transportation Program (UTP). The bill would require TxDOT to seek the input of metropolitan planning organizations (MPO) and TxDOT districts in the review process and to convene meetings to facilitate discussions among the planning organizations to achieve a consensus recommendation regarding updated UTP categories and formulas. The bill would require the TTC to adopt rules updating the categories and funding formulas no later than May 1, 2016. The bill would require each MPO, and applicable TxDOT districts for areas outside the boundaries of a MPO, to develop a 10-year plan for the use of funding allocated to the region. The bill would require chief financial officer of TxDOT to prepare and publish 10-year cash flow projection to identify transportation project funding, commitments, and allocations. The bill would require the TTC to hold a public hearing prior to the transfer of funds between categories in the UTP.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, NV, TG, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 7, 2015

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB13 by Pickett (Relating to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to initiate a process to review and update the funding categories and formulas adopted by the Texas Transportation Commission (TTC) for the Unified Transportation Program (UTP). The bill would require TxDOT to seek the input of metropolitan planning organizations (MPO) and TxDOT districts in the review process and to convene meetings to facilitate discussions among the planning organizations to achieve a consensus recommendation regarding updated UTP categories and formulas. The bill would require the TTC to adopt rules updating the categories and funding formulas no later than May 1, 2016. The bill would require each MPO, and applicable TxDOT districts for areas outside the boundaries of a MPO, to develop a 10-year plan for the use of funding allocated to the region. The bill would require chief financial officer of TxDOT to prepare and publish 10-year cash flow projection to identify transportation project funding, commitments, and allocations. The bill would require the TTC to hold a public hearing prior to the transfer of funds between categories in the UTP. If TxDOT receives appropriations from General Revenue or State Highway Funds for the 2016-17 biennium in an amount that exceeds the appropriation from those funds for the 2014-15 biennium, the bill would authorize the TTC to use the additional funds to finance projects that would otherwise be financed with proceeds from the sale of certain bonds. The bill would require the TTC to determine whether the unused bond proceeds may be used to finance projects and establish rules establishing criteria for projects to be considered eligible for this financing.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, NV, TG, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 23, 2015

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB13** by Pickett (Relating to categories of and funding allocation for transportation projects by the Texas Department of Transportation and local transportation entities.),
Committee Report 1st House, Substituted

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to initiate a process to review and update the funding categories and formulas adopted by the Texas Transportation Commission (TTC) for the Unified Transportation Program (UTP). The bill would require TxDOT to seek the input of metropolitan planning organizations (MPO) and TxDOT districts in the review process and to convene meetings to facilitate discussions among the planning organizations to achieve a consensus recommendation regarding updated UTP categories and formulas. The bill would require the TTC to adopt rules updating the categories and funding formulas no later than May 1, 2016. The bill would require each MPO, and applicable TxDOT districts for areas outside the boundaries of a MPO, to develop a 10-year plan for the use of funding allocated to the region. The bill would require chief financial officer of TxDOT to prepare and publish 10-year cash flow projection to identify transportation project funding, commitments, and allocations. The bill would require the TTC to hold a public hearing prior to the transfer of funds between categories in the UTP. If TxDOT receives appropriations from General Revenue or State Highway Funds for the 2016-17 biennium in an amount that exceeds the appropriation from those funds for the 2014-15 biennium, the bill would authorize the TTC to use the additional funds to finance projects that would otherwise be financed with proceeds from the sale of certain bonds. The bill would require the TTC to determine whether the unused bond proceeds may be used to finance projects and establish rules establishing criteria for projects to be considered eligible for this financing.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, NV, TG, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 25, 2015

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB13 by Pickett (Relating to the funding and operations of the Texas Department of Transportation and local transportation entities.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB13, As Introduced: a positive impact of \$198,059,722 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$82,386,203
2017	\$115,673,519
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>State Highway Fund</i> 6	Probable Savings/(Cost) from <i>Texas Mobility Fund</i> 365
2016	\$82,386,203	\$85,856,438	\$0
2017	\$115,673,519	(\$308,310,423)	(\$146,281,250)
2018	\$0	\$10,000,000	\$5,250,000
2019	\$0	\$10,000,000	\$5,250,000
2020	\$0	\$10,000,000	\$5,250,000

Fiscal Analysis

The bill would amend the Transportation Code to specify that, after August 31, 2015, the Texas Transportation Commission (TTC), may not issue obligations, bonds, or other public securities under the provisions of Sections 49-k, 49-n (as proposed by HJR 28, Seventy-eighth Legislature,

2003), and 49-p in Article 3 of the Texas Constitution. The prohibition on issuing such obligations would expire on August 31, 2017. The bill would authorize the TTC to use any constitutionally allowable source of funding to supplant funding previously obligated under Sections 49-n and 49-p, Article 3, Texas Constitution.

The bill would require the Texas Department of Transportation (TxDOT) to develop and implement a performance-based planning and programming process, to be approved by the TTC, to provide the executive and legislative branches of government with indicators to assess progress toward attaining all department goals and objectives established by the Legislature and the TTC.

The bill would require TxDOT to work with all local transportation entities in the state to develop and adopt uniform guidelines governing the funding prioritization of the entities' transportation projects. The bill would require the TTC to adopt the uniform standards by rule. Each local transportation entity and TxDOT district would be required to submit to TxDOT the funding prioritization for transportation projects in the entity's jurisdiction using the uniform guidelines. The bill would require TxDOT to establish and the TTC to approve a performance-based process for setting category funding levels in TxDOT's Unified Transportation Program (UTP). The bill would require TxDOT to consider a zero-based budget approach to address safety, maintenance, congestion, connectivity, economic development, and other needs. The bill would require TxDOT to develop and the TTC to approve a point system for prioritization of projects for which financial assistance is sought from the commission. The bill would prohibit TxDOT and the TTC from approving a deviation from TxDOT's selection of projects for funding of more than 10 percent of TxDOT's current biennial budget.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2015.

Methodology

The bill would prohibit the TTC and TxDOT from issuing bonds or entering into other credit agreements related to the Texas Mobility Fund (TMF), State Highway Fund (Proposition 14), and Highway Improvement General Obligation (Proposition 12) bond programs for the period beginning August 31, 2015, and ending August 31, 2017. Based on the information provided by TxDOT, it is assumed Proposition 12 and Proposition 14 bond issuances currently scheduled to occur in the 2016-17 biennium would be deferred until fiscal year 2018, which would result in a two-year deferral in budgeted debt service costs for the planned new issuances. Based on the information provided by TxDOT, it is assumed the deferred bond issuance would result in debt service savings General Revenue of \$82.4 million in fiscal year (FY) 2016 and \$115.7 million in FY 2017 from General Revenue and \$85.9 million in each year of the 2016-17 biennium from the State Highway Fund (SHF). It is assumed debt service costs to General Revenue and the SHF in corresponding annual amounts would be incurred upon the deferred issuance of these bonds beginning in the 2018-19 biennium and continuing each fiscal year through the respective bond maturity dates.

Based on the information and analysis provided by TxDOT, it is assumed TxDOT would be required to pay off certain variable rate TMF bonds and Proposition 14 bonds upon the expiration of the bonds supporting liquidity facility in FY 2017 because the agency would not be able to issue replacement bonds or remarket the debt during the 2016-17 biennium. Based on the information provided by TxDOT, it is assumed the early repayment of these bonds would result in costs of \$150 million to the TMF and \$400 million to the SHF in fiscal year 2017 and savings from avoided future variable rate interest payments on those bonds beginning in fiscal year 2017 (\$3.7 million from the TMF and \$5.8 million from the SHF) and continuing each year thereafter until

the planned maturity dates (estimated to be \$5.3 million from the TMF and \$10 million from the SHF in each year).

The bill would authorize the TTC and TxDOT to use any constitutionally authorized source of funding to supplant funding previously obligated to transportation projects from Proposition 14 and Proposition 12 bond proceeds. Based on the information provided by TxDOT, it is assumed that existing SHF funding would be used to supplant bond proceeds for those projects during the 2016-17 biennium.

Information provided by TxDOT indicates that implementation of the new transportation planning and programming requirements of the bill would require the allocation of additional personnel and resources to transportation project selection and programming activities. The amount of additional resources required would depend on the manner in which TxDOT executes the responsibilities prescribed by the bill, and it is assumed any costs or duties associated with implementation could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, NV, TG