

House Bill 13
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter P, Chapter 201, Transportation Code, is amended by adding Sections 201.9901 and 201.9902 to read as follows:

Sec. 201.9901. DEFINITIONS. In this subchapter:

(1) "Planning organization" means:

(A) a metropolitan planning organization; or

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

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

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

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

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

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(1) "Planning organization" means:

(A) a metropolitan planning organization; or

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

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

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

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

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

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allocation formulas.

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

(d) This section expires September 1, 2017.

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

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

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

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

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

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allocation formulas.

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

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

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Sec. 201.9921. TEN-YEAR CASH FLOW PROJECTION.

(a) Not later than September 1 of each odd-numbered year, the department's chief financial officer shall prepare and publish a cash flow forecast for a period of not less than 10 years.

(b) The forecast must identify:

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

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

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

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

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

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

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

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Sec. 201.9921. TEN-YEAR CASH FLOW PROJECTION.

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

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

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

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

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

Sec. 201.9931. PROJECT RECOMMENDATION AND PRIORITIZATION. (a) Each planning organization shall recommend projects in its region and prioritize them using the criteria developed under Section 201.9932 and in accordance with 23 U.S.C. Section 135.

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

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

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

- (1) projected improvements to congestion and safety;
- (2) projected effects on economic development opportunities for residents of the region;
- (3) available funding, including locally generated funding;
- (4) effects on the environment, including air quality;
- (5) socioeconomic effects; and

(6) any other factors deemed appropriate by the planning organization.

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

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

- (1) the commission considers the transfer or allocation at a regularly scheduled commission meeting; and
- (2) the department presents to the commission a written explanation of the transfer, including the need and justification for the deviation from the formula allocation or use of discretionary funds, at a regularly scheduled

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

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

- (1) projected improvements to congestion and safety;
- (2) projected effects on economic development opportunities for residents of the region;
- (3) available funding;
- (4) effects on the environment, including air quality;
- (5) socioeconomic effects, including disproportionately high and adverse health or environmental effects on minority or low-income neighborhoods; and

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

SECTION 3. Same as House version.

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commission meeting held in the month before the meeting described by Subdivision (1).

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

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

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

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

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

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

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authorization.

(d) This section expires September 1, 2017.

No equivalent provision.

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

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

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

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

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

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

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

(c) The department may not operate or transfer a high-occupancy vehicle lane under Subsection (a)(5) as a tolled lane if the lane is part of U.S. Highway 75. [FA2]

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SECTION 5. 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.

No equivalent provision.

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SECTION 4. Same as House version.

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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.

[FA1]

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No equivalent provision.

No equivalent provision.

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

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED [FA1]

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. [FA1]

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No equivalent provision.

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. [FA1]

No equivalent provision.

SECTION __. 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. [FA1]

No equivalent provision.

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,~~

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~~outside a municipality's territorial limits]. [FA1]~~

No equivalent provision.

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~~

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~~described by Section 542.406(e)(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]. [FA1]~~

No equivalent provision.

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. [FA1]

No equivalent provision.

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

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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. [FA1]

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. [FA1]

No equivalent provision.