AN ACT

relating to the continuation and functions of the Texas Department of Transportation; authorizing an increase in rates charged for the use of state aircraft to provide for the acquisition of replacement aircraft; creating a criminal offense.

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

SECTION 1. Section 21.069(a), Transportation Code, is amended to read as follows:

(a) The department, in consultation with the State Aircraft Pooling Board, shall establish a state airport in Central Texas that is open to the general public.

SECTION 2. Section 201.059, Transportation Code, is amended to read as follows:

Sec. 201.059. COMMISSION MEMBER TRAINING [ON DEPARTMENT AND CERTAIN LAWS RELATING TO DEPARTMENT]. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing department operations
subchapter];

(2) the programs, functions, rules, and budget of [operated by] the department;

(3) the scope of and limitations on the rulemaking authority of the commission [role and functions of the department];

(4) the rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the department;

(6) the results of the most recent formal audit of the department;

(7) the requirements of [the]:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest [law, Chapter 551, Government Code]; and

(B) other laws applicable to members of the commission in performing their duties [open records law, Chapter 552, Government Code; and

(C) administrative procedure law, Chapter 2001, Government Code;

(8) the requirements of the conflict of interest laws and other laws relating to public officials]; and

(9) any applicable ethics policies adopted by the department [commission] or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before
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or after [as provided by the General Appropriations Act and as if]
the person qualifies for office [were a member of the commission].

(d) The director shall create a training manual that
includes the information required by Subsection (b). The director
shall distribute a copy of the training manual annually to each
member of the commission. On receipt of the training manual, each
member of the commission shall sign and submit to the director a
statement acknowledging receipt of the training manual.

SECTION 3. Section 201.204, Transportation Code, is amended
to read as follows:

Sec. 201.204. SUNSET PROVISION. The Texas Department of
Transportation is subject to Chapter 325, Government Code (Texas
Sunset Act). Unless continued in existence as provided by that
chapter, the department is abolished September 1, 2029 [2017].

SECTION 4. Sections 201.601(a-1) and (d), Transportation
Code, are amended to read as follows:

(a-1) The plan must:

(1) contain specific and clearly defined
transportation system strategies, long-term transportation goals
for the state and measurable targets for each goal, and other
related performance measures;

(2) identify priority corridors, projects, or areas of
the state that are of particular concern to the department in
meeting the goals established under Subdivision (1); and

(3) contain a participation plan specifying methods
for obtaining formal input on the goals and priorities identified
under this subsection from:
(A) other state agencies;
(B) political subdivisions;
(C) local transportation entities; and
(D) the general public.

(d) In selecting transportation projects, the department shall consider the transportation system strategies, goals and measurable targets, and other related performance measures established under Subsection (a-1)(1) [in selecting transportation projects].

SECTION 5. Section 201.6013, Transportation Code, is amended to read as follows:

Sec. 201.6013. LONG-TERM PLAN FOR STATEWIDE PASSENGER RAIL SYSTEM. (a) The department shall:

(1) prepare [and update annually] a long-term plan for a statewide passenger rail system; and

(2) update the plan at least once every five years.

(b) Information contained in the plan must include:

(1) a description of existing and proposed passenger rail systems;

(2) information regarding the status of passenger rail systems under construction;

(3) an analysis of potential interconnectivity difficulties;

(4) an analysis of short-term and long-term effects of each proposed passenger rail system on state and local road connectivity, including effects on oversize or overweight vehicles and other commercial traffic;
an analysis of the effect of each proposed
passenger rail system on statewide transportation planning,
including the effect on future state and local road construction
and road maintenance needs;
(6) ridership projections for proposed passenger rail
projects; and
(7) ridership statistics for existing passenger
rail systems.

SECTION 6. Section 201.6015, Transportation Code, is
amended to read as follows:

Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. In
developing each of its transportation plans and policy efforts, the
department must:
(1) clearly reference the statewide transportation
plan under Section 201.601;
(2) include in the plan or policy effort the
transportation system strategies, goals and measurable targets,
and other related performance measures established under Section
201.601(a-1)(1); and
(3) specify how the plan or policy effort
supports [or otherwise relates to] the specific goals established
under Section 201.601(a-1)(1) [that section].

SECTION 7. Subchapter I, Chapter 201, Transportation Code,
is amended by adding Section 201.705 to read as follows:

Sec. 201.705. AESTHETIC ENTRANCES AND ORNAMENTAL
DECORATIONS. The department may enter into agreements with local
governments, convention and visitors bureaus, chambers of
commerce, or other governmental or nongovernmental entities for the purpose of purchasing supplies and materials to be used for aesthetic entrances to municipalities or census designated places along interstate highways or highway corridors or ornamental decorations along overpasses, provided that the department may not expend appropriated funds solely to plan, design, or construct aesthetic entrances to municipalities or census designated places along interstate highways or highway corridors or ornamental decorations along overpasses.

SECTION 8. Section 201.806(a), Transportation Code, is amended to read as follows:

(a) The department shall:

(1) tabulate and analyze the vehicle accident reports it receives; and

(2) annually or more frequently publish on the department's Internet website statistical information derived from the accident reports as to the number, cause, and location of highway accidents, including information regarding the number of:

(A) accidents involving injury to, death of, or property damage to a bicyclist or pedestrian; and

(B) fatalities caused by a bridge collapse, as defined by Section 550.081.

SECTION 9. Section 201.807, Transportation Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

(a) In this section, "department project" means a highway project under the jurisdiction of the department, including a
grouped rehabilitation and preventive maintenance project, that:
(1) is being developed or is under construction; and
(2) is identified in the district project portfolio [work program] required under Section 201.998.

(g) The department shall:
(1) conduct a comprehensive review of the project information reporting system;
(2) in conducting the review required by Subdivision (1), incorporate feedback from internal and external users of the system and advice from the department office responsible for public involvement; and
(3) develop a plan for implementing any needed improvements to the system.

(h) The department shall conduct the review required by Subsection (g)(1) on a regular basis, as specified by commission rule.

SECTION 10. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.8075 to read as follows:

Sec. 201.8075. STATEWIDE TRANSPORTATION PLAN DASHBOARD.
(a) In this section, "dashboard" means a web-based data visualization tool that provides an analysis and visual representation of key performance measures relevant to a particular objective.
(b) The department shall develop and prominently display on the department's Internet website a dashboard that clearly communicates to the public:
(1) the transportation system strategies, goals and
measurable targets, and other related performance measures established under Section 201.601(a-1)(1); and

(2) the department's progress, including trends over time, in meeting the strategies, goals and targets, and other related performance measures described by Subdivision (1).

(c) The dashboard must be in a format that is easy to navigate.

(d) The department shall:

(1) regularly update the information displayed on the dashboard; and

(2) publish on the department's Internet website the methodology and data used to determine the department's progress under Subsection (b)(2).

SECTION 11. Section 201.808, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) The department shall:

(1) conduct a comprehensive analysis regarding the effect of funding allocations made to funding categories described by Section 201.991(b) and project selection decisions on accomplishing the goals described in the statewide transportation plan under Section 201.601;

(2) provide the analysis to metropolitan planning organizations, the public, and each member of the commission for the purpose of informing deliberations on funding decisions for the unified transportation program under Section 201.991;

(3) update the analysis as part of:

(A) the department's annual update to the unified
transportation program under Section 201.992 and any other formal
update to that program; and

(B) the evaluation and report required by Section

201.809;

(4) promptly publish the analysis on the department's
Internet website in its entirety and in summary form; and

(5) publish the methodology and data used to create
the analysis on the department's Internet website and make the
methodology and data available to the metropolitan planning
organizations, the public, and the commission under Subdivision

(2).

SECTION 12. Section 201.809(a), Transportation Code, is
amended to read as follows:

(a) The department annually shall evaluate and publish a
report about the status of each transportation goal for this
state. The department shall also promptly publish the report on
the department's Internet website in summary form. The report must
include:

(1) information about the progress of each long-term
transportation goal that is identified by the statewide
transportation plan;

(2) the status of each project identified as a major
priority;

(3) a summary of the number of statewide project
implementation benchmarks that have been completed; [and]

(4) information about the accuracy of previous
department financial forecasts; and
(5) the analysis required by Section 201.808(i).

SECTION 13. Subchapter J, Chapter 201, Transportation Code, is amended by adding Section 201.812 to read as follows:

Sec. 201.812. REPORT ON COMPLETED HIGHWAY CONSTRUCTION PROJECTS. (a) The department shall semiannually publish on the department's Internet website a report on all highway construction projects, listed by department district, that have been completed.

(b) The report required by Subsection (a) must, for each project listed in the report:

(1) specify whether the project was completed:

(A) on schedule, ahead of schedule, or behind schedule; and

(B) on budget, under budget, or over budget; and

(2) include any change orders.

SECTION 14. Section 201.991, Transportation Code, is amended by adding Subsections (b-1) and (e) and amending Subsection (d) to read as follows:

(b-1) The commission by rule shall:

(1) adopt a policy comprehensively explaining the department's approach to public involvement and transparency related to the unified transportation program; and

(2) require the department to, at a minimum, make a report on any change to the unified transportation program available on the department's Internet website and provide the report to the commission in a public meeting, regardless of any rules adopted for public hearings and approvals.

(d) In developing the rules required by Subsection (b) [this
section], the commission shall collaborate with local
transportation entities.

(e) In developing the policy required by Subsection
(b-1)(1), the commission shall collaborate with stakeholders.

SECTION 15. Section 201.992(b), Transportation Code, is
amended to read as follows:

(b) The annual update must include:

(1) the annual funding forecast required by Section
201.993;

(2) the list of major transportation projects required
by Section 201.994(b); [and]

(3) the category to which the project has been
assigned and the priority of the project in the category under
Section 201.995; and

(4) the analysis required by Section 201.808(i).

SECTION 16. Sections 201.993(a) and (c), Transportation
Code, are amended to read as follows:

(a) The department annually shall:

(1) develop and publish on the department's Internet
website a forecast of all funds the department expects to receive,
including funds from this state and the federal government; and

(2) use that forecast to guide planning for the
unified transportation program.

(c) Not later than September 1 of each year, the department
shall prepare and publish on the department's Internet website a
cash flow forecast for a period of 20 years.

SECTION 17. Section 201.995, Transportation Code, is
amended by adding Subsection (d) to read as follows:

(d) In prioritizing and approving projects under Section 201.9991 that are included in the unified transportation program, the commission must first evaluate projects on strategic need and potential contribution toward meeting the transportation goals established under Section 201.601(a-1)(1). After conducting that initial evaluation, the commission may conduct a secondary evaluation based on other factors such as funding availability and project readiness.

SECTION 18. Section 201.998, Transportation Code, is amended to read as follows:

Sec. 201.998. DISTRICT PROJECT PORTFOLIOS [WORK PROGRAM].

(a) Each department district shall develop a consistently formatted project portfolio [work program] based on the unified transportation program covering a period of at least four years that contains all projects that the district proposes to implement during that period.

(b) The department shall develop comprehensive performance measures for key steps in the project development process for projects included in each district’s project portfolio. The department shall use the performance measures developed under this subsection to track and report whether each district is:

(1) developing an appropriate mix of projects; and

(2) on track to meet letting targets that are consistent with applicable department policy governing when a project should be bid on for a contract awarded by the department [work program must contain]
[(1)] information regarding the progress of projects designated as major transportation projects, according to project implementation benchmarks and timelines established under Section 201.994; and

[(2) a summary of the progress on other district projects].

(c) The department shall conduct a review of project development activities in each district's project portfolio on a regular basis and use the review to:

[(1) monitor and evaluate the performance of each district; and]

[(2) evaluate the performance of district employees].

(d) In conducting the review required by Subsection (c), the department shall, when appropriate, seek input from key stakeholders such as local government project sponsors or metropolitan planning organizations, publish the work program in appropriate media and on the department's Internet website.

(e) The commission shall adopt rules as necessary to administer this section.

(f) The commission shall adopt and regularly update rules:

(1) governing the overall planning, review, and monitoring process created by this section;

(2) specifying how planning and project stakeholders can become involved in the process described by Subdivision (1); and

(3) requiring the department to regularly report results under this section to the commission and the public and
specifying the method for reporting those results.

(g) The commission shall consult a stakeholder group before adopting or updating rules under Subsection (f).

SECTION 19. Section 201.9991(a), Transportation Code, is amended to read as follows:

(a) The commission by rule shall prioritize and approve projects included in the statewide transportation plan under Section 201.601 or in the unified transportation program under Section 201.991 in order to provide financial assistance under this chapter.

SECTION 20. Subchapter P, Chapter 201, Transportation Code, is amended by adding Section 201.9992 to read as follows:

Sec. 201.9992. ROLES AND RESPONSIBILITIES OF DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS. (a) The commission shall adopt rules governing:

(1) the alignment of the department's state and federal funding forecasts, including the annual funding forecast required by Section 201.993, with the funding forecasts of metropolitan planning organizations, including:

(A) the funding forecasts used for long-term planning as described in Sections 201.620 and 472.035; and

(B) the 10-year transportation plan required by Section 201.991;

(2) the alignment of the statewide project recommendation criteria developed by the department with the project recommendation criteria developed by metropolitan planning organizations that relate to statewide transportation goals,
particularly for major mobility projects using a mix of several
funding sources and selected by different entities;

(3) the department's timelines and review process for
the 10-year transportation plans required by Section 201.9911;

(4) the department's process for allowing metropolitan
planning organizations direct access to the department's
information systems, software, and technical assistance for the
purpose of accomplishing statewide transportation goals; and

(5) the department's process for collaborating with
metropolitan planning organizations to regularly evaluate the
availability, consistency, and quality of data and other
information needed to fully develop a more performance-based
transportation planning and project selection system.

(b) A rule adopted under Subsection (a)(3) must take into
consideration a metropolitan planning organization's other
deadlines and requirements in federal law.

(c) The commission shall consult a stakeholder group before
developing the rules required by Subsection (a).

SECTION 21. Subchapter B, Chapter 203, Transportation Code,
is amended by adding Section 203.023 to read as follows:

Sec. 203.023. SUBSTANTIAL CHANGE IN LAYOUT OR FUNCTION.
The commission by rule shall require a hearing for projects that
substantially change the layout or function of a connecting roadway
or an existing facility, including the addition of managed lanes,
high-occupancy vehicle lanes, bicycle lanes, bus lanes, and transit
lanes.

SECTION 22. Section 222.103(a), Transportation Code, is
amended to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission[

(1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity; and

(2) shall require the repayment of any money spent by the department for the cost of a toll facility of a private entity].

SECTION 23. Section 223.012, Transportation Code, is amended to read as follows:

Sec. 223.012. CONTRACTOR PERFORMANCE. (a) The commission[ department] shall adopt rules to:

(1) establish a range of contract remedies to be included in all low-bid highway improvement contracts, including enforceable corrective action plans and criteria for prohibiting contractors with significant project completion delays from bidding on new projects, and develop a process and criteria for when to apply each contract remedy;

(2) develop and implement a schedule for liquidated damages that accurately reflects the costs associated with project completion delays, including administrative and travel delays; and

(3) develop a contractor performance evaluation process and an evaluation tool that:
(A) allows for the review of contractor bidding capacity to ensure that contractors meet each quality, safety, and timeliness standard established by the commission; and

(B) contains criteria for modifying a contractor's bidding capacity for competitively bid highway improvement contracts when appropriate.

(b) In developing the rules required by Subsection (a)(1), the commission must:

(1) consult with industry contractors; and

(2) consider contract remedies used by:

(A) other state agencies; and

(B) departments of transportation in other states.

[Not later than December 1, 1998, the department shall file a report with the governor, the lieutenant governor, and the speaker of the house of representatives containing:

(1) the results of the review conducted under Subsection (a)(3); and

(2) recommendations on legislation the commission determines is necessary to realize significant cost and time savings on state highway construction and maintenance].

(c) The rules adopted under Subsection (a)(2) must:

(1) include criteria for identifying projects that have a significant impact on the traveling public; and

(2) require the department to calculate
project-specific liquidated damages for projects described by Subdivision (1) that reflect the true cost of travel delays.

(d) In developing the evaluation tool required by Subsection (a)(3), the commission must consult with industry contractors.

(e) The rules adopted under Subsection (a)(3) must:

(1) provide for a process for contractors to appeal the contractors' evaluations; and

(2) include criteria for the use of the evaluations by the department to address contractor performance problems.

(f) Rules adopted under this section must require:

(1) contractual provisions providing for the consideration of sufficient time; and

(2) the department to consider any events outside a contractor's control before assessing a penalty against the contractor.

SECTION 24. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.051 to read as follows:

Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) In this section, "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(b) The department may not award a contract for the construction, maintenance, or improvement of a highway in this state to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information. The contractor and any subcontractor must continue to participate in the program during the term of the
contract.

(c) The department shall develop procedures for the administration and enforcement of this section.

SECTION 25. Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to read as follows:

Sec. 224.034. HIGHWAY CLOSURES DURING CERTAIN PERIODS. (a) If a proposed improvement of the state highway system requires the closing of a highway, the department shall, before entering into a contract for the proposed improvement, coordinate the highway closure by communicating in person or by telephone call, e-mail, or other direct method of communication with public officials from municipalities affected by the closure to avoid any adverse economic impact on the municipalities during:

(1) periods of increased travel on the state highway system, including major state and federal holidays and school holidays; and

(2) other periods of high commercial activity in the state, including limited periods in which certain items are exempted from the sales tax imposed by Chapter 151, Tax Code.

(b) A contract for the proposed improvement of the state highway system that requires the closing of a highway as described by Subsection (a) must include a provision identifying the days on which the highway may not be closed.

(c) The department shall submit an annual report to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature detailing all highway closures during periods listed in Subsection (a) and the
estimated economic impact of those closures.

SECTION 26. Subchapter B, Chapter 225, Transportation Code, is amended by adding Sections 225.123 through 225.133 to read as follows:

Sec. 225.123. ROSA PARKS MEMORIAL PARKWAY. (a) The portion of State Highway 360 from the municipal limits of Mansfield in Tarrant County to its intersection with East Sublett Road/West Camp Wisdom Road in Tarrant County is designated as the Rosa Parks Memorial Parkway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Rosa Parks Memorial Parkway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.124. SENATOR CHRIS HARRIS MEMORIAL HIGHWAY. (a) The portion of State Highway 360 from its intersection with U.S. Highway 287 in Ellis County to the municipal limits of Mansfield in Tarrant County is designated as the Senator Chris Harris Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Senator Chris Harris Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.125. STATE TROOPER BILL DAVIDSON MEMORIAL HIGHWAY.
(a) The portion of U.S. Highway 59 in Jackson County between mile marker 618 and mile marker 620 on the southbound side is designated as the State Trooper Bill Davidson Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the State Trooper Bill Davidson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.126. VETERANS MEMORIAL HIGHWAY. (a) The portion of U.S. Highway 271 in Camp County is designated as the Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Veterans Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.127. TITUS COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 4000 in Titus County between its intersection with Farm-to-Market Road 1735 and the eastern municipal boundary of Mount Pleasant is designated as the Titus County Vietnam Veterans Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Titus County Vietnam Veterans Memorial Highway and any other appropriate information; and
(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.128. TEXAS GAME WARDEN TEYRAN "TY" PATTERSON MEMORIAL HIGHWAY. (a) Business State Highway 123-B in Guadalupe County is designated as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway. This designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.129. KOLLYN BARTON MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 666 in Nueces County between its intersection with State Highway 44 and Farm-to-Market Road 624 is designated as the Kollyn Barton Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Kollyn Barton Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.130. BEDFORD-CARMICHAEL BRIDGE. (a) The structure on State Highway 6 located in Eastland County adjacent to Lake Cisco connecting the north and south banks of Sandy Creek is designated as the Bedford-Carmichael Bridge.
Subject to Section 225.021(c), the department shall:

1. design and construct markers indicating the designation as the Bedford-Carmichael Bridge and any other appropriate information; and

2. erect a marker at each end of the structure.

Sec. 225.131. SHERIFF RONNIE DODDS MEMORIAL HIGHWAY. (a) The portion of Alternate United States Highway 90 in Lavaca County from the eastern municipal limits of Shiner to the western municipal limits of Hallettsville is designated as the Sheriff Ronnie Dodds Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

1. design and construct markers indicating the designation as the Sheriff Ronnie Dodds Memorial Highway and any other appropriate information; and

2. erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.132. SERGEANT DAVID M. FURRH MEMORIAL HIGHWAY. (a) The portion of State Highway 95 in Lavaca County from the northern municipal limits of Shiner to the southern municipal limits of Moulton is designated as the Sergeant David M. Furrh Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

1. design and construct markers indicating the designation as the Sergeant David M. Furrh Memorial Highway and any other appropriate information; and

2. erect a marker at each end of the highway and at appropriate intermediate sites along the highway.
Sec. 225.133. STAFF SERGEANT JEREMIE S. BORDER MEMORIAL HIGHWAY. (a) The portion of State Highway 352 in the municipal limits of Mesquite is designated as the Staff Sergeant Jeremie S. Border Memorial Highway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Staff Sergeant Jeremie S. Border Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 27. The heading to Section 228.054, Transportation Code, is amended to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED [FAILURE OR REFUSAL TO PAY TOLL]; EMERGENCY VEHICLES EXEMPT [OFFENSE].

SECTION 28. Section 228.054(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Subsection (e) [or Section 228.0545], the operator of a vehicle, other than an authorized emergency vehicle, as defined by Section 541.201, that is driven or towed through a toll collection facility shall pay the proper toll. The exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is:

(1) responding to an emergency;
(2) displaying a flashing light; or
(3) marked as an emergency vehicle.

SECTION 29. The heading to Section 228.0545, Transportation Code, is amended to read as follows:
Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE

[ALTERNATIVE TOLLING METHODS].

SECTION 30. Section 228.0545, Transportation Code, is amended by amending Subsections (c) and (d) and adding Subsection (e) to read as follows:

(c) The department shall send by first class mail to the registered owner of a vehicle a written invoice containing an assessment for tolls incurred by the vehicle [notice of the total amount due. The notice must specify the date, which may not be earlier than the 30th day after the date the notice is mailed, by which the amount due must be paid. The registered owner shall pay the amount due on or before the date specified in the notice].

(d) The department shall send the invoice [notice] required under Subsection (c) and related communications [subsequent notices] to:

(1) the registered owner's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous department or agency of another state or country; or

(2) an alternate address provided by the owner or derived through other reliable means.

(e) The department may provide that the invoice under Subsection (c), instead of being sent by first class mail, be sent as an electronic record to a registered owner that agrees to the terms of the electronic record transmission of the information.

SECTION 31. Subchapter B, Chapter 228, Transportation Code, is amended by adding Sections 228.0546 and 228.0547 to read as
follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE. An invoice containing an assessment for the use of a toll project must:

(1) require payment not later than the 30th day after the date the invoice is mailed; and

(2) conspicuously state:

(A) the amount due;

(B) the date by which the amount due must be paid; and

(C) that failure to pay the amount due in the required period will result in the assessment of an administrative fee.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; OFFENSE. (a) A person who receives an invoice from the department for the use of a toll project shall, not later than the due date specified in the invoice:

(1) pay the amount owed as stated in the invoice; or

(2) send a written request to the department for a review of the toll assessments contained in the invoice.

(b) If a person fails to comply with Subsection (a), the department may add an administrative fee, not to exceed $6, to the amount the person owes. The department:

(1) must set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll; and

(2) may not charge a person more than $48 in administrative fees in a 12-month period.

(c) A person who receives two or more invoices for unpaid
tolls, including a lessee or transferee under Section 228.055(d-1) or (e) or a person who receives an invoice from an entity under Section 228.059, and who has not paid the amount due within 30 days of the date of the second invoice commits an offense. An offense under this subsection is a misdemeanor punishable by a fine not to exceed $250. A person may not be convicted of more than one offense under this subsection in a 12-month period.

(d) The court in which a person is convicted of an offense under Subsection (c) shall collect the unpaid tolls and administrative fees and forward the amounts to the department. A person who is convicted of an offense under Subsection (c) is also liable for court costs.

(e) The department may contract, in accordance with Section 2107.003, Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court with jurisdiction over the offense.

SECTION 32. The heading to Section 228.055, Transportation Code, is amended to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE

ADMINISTRATIVE FEE; NOTICE; OFFENSE.

SECTION 33. Sections 228.055(d), (d-1), and (e), Transportation Code, are amended to read as follows:

(d) It is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle [the application of Subsection (a) or (c)] if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll
(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send an invoice [a notice of nonpayment] to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. [The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.]
(e) It is an exception to liability of a vehicle’s registered owner for a toll incurred by the vehicle [the application of Subsection (a) or (c)] if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred [event of nonpayment under Section 228.054 occurred or before the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545], submitted written notice of the transfer to the department in accordance with Section 501.147, and, before the 30th day after the date the invoice [notice of nonpayment] is mailed, provides to the department the name and address of the person to whom the vehicle was transferred. If the former owner of the vehicle provides the required information within the period prescribed, the department may send an invoice [a notice of nonpayment] to the person to whom ownership of the vehicle was transferred at the address provided by the former owner by first class mail before the 30th day after the date of receipt of the required information from the former owner. The department may send all subsequent invoices [notices of nonpayment] associated with the vehicle to the person to whom ownership of the vehicle was transferred at the address provided by the former owner or an alternate address provided by the subsequent owner or derived through other reliable means. [The subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The subsequent owner]
shall pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545. Each failure to pay a toll or administrative fee under this subsection is a separate offense.)

SECTION 34. Section 228.056, Transportation Code, is amended to read as follows:

Sec. 228.056. PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES. (a) In the prosecution of an offense under Section 228.054 [228.054 or 228.055], proof that the vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, photograph, electronic recording, or other appropriate evidence, including evidence obtained by automated enforcement technology.

(b) In the prosecution of an offense under Section 228.054 [228.055(c), (d-1), or (e)]:

(1) it is presumed that the invoice containing the assessment for the toll [notice of nonpayment] was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the toll was incurred [underlying event of nonpayment under Section 228.054 occurred or on the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545]; and

(3) a copy of the rental, lease, or other contract document, or the electronic data provided to the department under
Section 228.055(d), covering the vehicle on the date the toll was
incurred [of the underlying event of nonpayment under Section
228.054 or on the date the vehicle was driven or towed through a
toll collection facility that results in a notice issued under
Section 228.0545] is prima facie evidence of its contents and that
the defendant was the lessee of the vehicle when the toll was
incurred [underlying event of nonpayment under Section 228.054
occurred or when the vehicle was driven or towed through a toll
collection facility that results in a notice issued under Section
228.0545].

(c) It is a defense to prosecution under Section 228.0547
[228.055(c), (d-1), or (e)] that the motor vehicle in question was
stolen before the toll was incurred [failure to pay the proper toll
occurred] and had not been recovered before the toll was incurred
[failure to pay occurred], but only if the theft was reported to the
appropriate law enforcement authority before the earlier of:

(1) the time the toll was incurred [the occurrence of
the failure to pay]; or

(2) eight hours after the discovery of the theft.

SECTION 35. Section 228.059, Transportation Code, is
amended to read as follows:

Sec. 228.059. TOLL COLLECTION AND ENFORCEMENT BY OTHER
ENTITY[; OFFENSE]. An entity operating a toll lane pursuant to
Section 228.007(b) has, with regard to toll collection and
enforcement for that toll lane, the same powers and duties as the
department under this chapter. [A person who fails to pay a toll or
administrative fee imposed by the entity commits an offense. Each
failure to pay a toll or administrative fee imposed by the entity is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed $250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.) The entity may use revenues for improvement, extension, expansion, or maintenance of the toll lane.

SECTION 36. The heading to Subchapter E, Chapter 228, Transportation Code, is amended to read as follows:

**SUBCHAPTER E. LIMITATION ON TOLL FACILITY DESIGNATION**

SECTION 37. Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) 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.

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

(c) In determining the number of nontolled lanes required to comply with Subsection (a)(3), the department:

(1) may consider only a general-purpose lane that is part of the highway; and

(2) may not consider a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

(d) The department may not operate any part of State Highway 255 in Webb County as a toll project.

SECTION 38. Subchapter E, Chapter 228, Transportation Code, is amended by adding Section 228.207 to read as follows:

Sec. 228.207. CÉSAR CHÁVEZ FREEWAY. (a) In this section, "César Chávez Freeway" means the portion of Loop 375 in El Paso County between Interstate Highway 10 and Santa Fe Street.

(b) If the Camino Real Regional Mobility Authority approves the conversion of the portion of the César Chávez Freeway that is operated as a toll project to a nontolled project:

(1) any money advanced by the department to the authority for the construction or maintenance of a toll project on the César Chávez Freeway that is unexpended on the effective date of
the conversion shall be used for the construction of the Loop 375 Border Highway West Project in El Paso County from Race Track Drive to U.S. Highway 54 and added to the authority's obligation for that project under terms agreeable to the department; and

(2) the department shall maintain the César Chávez Freeway as part of the state highway system without tolls.

SECTION 39. Section 366.301(c), Transportation Code, is amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department may require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project or system on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

SECTION 40. Section 370.033(m), Transportation Code, is amended to read as follows:

(m) If an authority receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund, it:

(1) may use the money only to acquire, design, finance, construct, operate, or maintain a turnpike project under Section 370.003(14)(A) or (D) or a transit system under Section
370.351; and

(2) must repay the money.

SECTION 41. Sections 370.301(c) and (f), Transportation
Code, are amended to read as follows:

(c) An obligation or expense incurred by the commission or
department under this section is a part of the cost of the turnpike
project for which the obligation or expense was incurred. The
commission or department shall [may] require money contributed by
the commission or department under this section to be repaid. The
commission or department may require the money to be repaid from
tolls or other revenue of the turnpike project on which the money
was spent. Money repaid as required by the commission or department
shall be deposited to the credit of the fund from which the
contribution was made. Money deposited as required by this section
is exempt from the application of Section 403.095, Government Code.

(f) The commission may [grant or] loan department money to
an authority for the acquisition of land for or the construction,
maintenance, or operation of a turnpike project. The commission
shall [may] require the authority to repay money loaned [provided]
under this section. The commission may require the money to be
repaid from toll revenue or other sources on terms established by
the commission.

SECTION 42. Subchapter A, Chapter 372, Transportation Code,
is amended by adding Section 372.002 to read as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT.

(a) A toll project entity shall repay to the department any money
contributed by the department as participation in the cost of the
entity's toll projects, including money from the state highway fund, the Texas Mobility Fund, or other sources available to the department.

(b) Each year, the department shall:

(1) for each department district, determine the amount of money repaid to the department under Subsection (a) in the previous year that is attributable to projects located in the district; and

(2) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under Subdivision (1) to be used for transportation projects located in that district.

(c) If a transportation project that was the subject of repayment of department contributions is located in more than one department district, the department may reasonably allocate the repayments from that project between the districts in which the project is located.

(d) Notwithstanding any other law, including Sections 222.103(a), 366.301(c), 370.033(m), and 370.301(c) and (f), a toll project entity is not required to repay:

(1) funds held in a subaccount created under Section 228.012; or

(2) funds contributed by the department for a project if a toll project entity commenced the environmental review process for the project on or before January 1, 2014.
follows:

Sec. 391.038. SIGN HEIGHT. (a) This section applies only to a sign existing on March 1, 2017, that was erected before that date.

(b) A sign described by Subsection (a) may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure.

(c) A person may rebuild a sign described by Subsection (a) without obtaining a new or amended permit from the department, provided that the sign is rebuilt at the same location where the sign existed on March 1, 2017, and at a height that does not exceed the height of the sign on that date.

Sec. 391.039. SPACING REQUIREMENTS IN CERTAIN MUNICIPALITIES. (a) In this section, "electronic sign" means a sign that changes its message or copy by programmable electronic or mechanical processes.

(b) The department, in regulating outdoor advertising located in the corporate boundaries of a municipality with a population of more than 200,000 located in a county on the Texas-Mexico border with a population of less than 300,000, may not require an electronic sign owned by the municipality to be more than
SECTION 44. Section 550.025(a), Transportation Code, is amended to read as follows:

(a) The operator of a vehicle involved in an accident resulting only in damage to a structure adjacent to a highway or a fixture or landscaping legally on or adjacent to a highway shall:

(1) take reasonable steps to locate and notify the owner or person in charge of the property of the accident and of the operator's name and address and the registration number of the vehicle the operator was driving; and

(2) if requested and available, show the operator's driver's license to the owner or person in charge of the property; and

(3) report the accident if required by Section 550.061.

SECTION 45. Effective September 1, 2019, Section 550.062(b), Transportation Code, is amended to read as follows:

(b) The report required by Subsection (a) must be filed electronically with the department not later than the 10th day after the date of the accident.

SECTION 46. Section 550.064(b), Transportation Code, is amended to read as follows:

(b) An accident report form prepared by the department must:

(1) require sufficiently detailed information to disclose the cause and conditions of and the persons and vehicles involved in an accident if the form is for the report to be made by a person (involved in or investigating the accident;
include a way to designate and identify a peace officer, firefighter, or emergency medical services employee who is involved in an accident while driving a law enforcement vehicle, fire department vehicle, or emergency medical services vehicle while performing the person's duties;

(3) require a statement by a person described by Subdivision (2) as to the nature of the accident; and

(4) include a way to designate whether an individual involved in an accident wants to be contacted by a person seeking to obtain employment as a professional described by Section 38.01(12), Penal Code.

SECTION 47. Section 550.065(a), Transportation Code, is amended to read as follows:

(a) This section applies only to the following information that is held by the department or another governmental entity:

(1) a written report of an accident required under:

(A) Section 550.061, 550.062, or

(B) former Section 550.061 or 601.004 before September 1, 2017; or

(2) accident report information compiled under Section 201.806.

SECTION 48. Section 550.067(c), Transportation Code, is amended to read as follows:

(c) A municipality by ordinance may require the person in charge of a garage or repair shop where a motor vehicle is brought if the vehicle shows evidence of having been involved in an accident described by [requiring a report to be filed under] Section
550.062(a) [550.061 or 550.062] or shows evidence of having been struck by a bullet to report to a department of the municipality within 24 hours after the garage or repair shop receives the motor vehicle, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle.

SECTION 49. Section 550.068, Transportation Code, is amended to read as follows:

Sec. 550.068. CHANGING ACCIDENT REPORT. (a) Except as provided by Subsection (b), a change in or a modification of a written report of a motor vehicle accident prepared by a peace officer [or the operator of a vehicle involved in an accident] that alters a material fact in the report may be made only by the peace officer [or person] who prepared the report.

(b) A change in or a modification of the written report of the accident may be made by a person other than the peace officer [or the operator of the vehicle] if:

(1) the change is made by a written supplement to the report; and

(2) the written supplement clearly indicates the name of the person who originated the change.

SECTION 50. Section 601.005, Transportation Code, is amended to read as follows:

Sec. 601.005. EVIDENCE IN CIVIL SUIT. A [On the filing of a report under Section 601.004, a] person at a trial for damages may not refer to or offer as evidence of the negligence or due care of a party:

(1) an action taken by the department under this
chapter;
(2) the findings on which that action is based; or
(3) the security or evidence of financial responsibility filed under this chapter.

SECTION 51. Sections 601.007(b) and (c), Transportation Code, are amended to read as follows:
(b) The provisions of this chapter, other than Section 601.004, do not apply to an officer, agent, or employee of the United States, this state, or a political subdivision of this state while operating a government vehicle in the course of that person's employment.
(c) The provisions of this chapter, other than Section 601.004 and 601.054, do not apply to a motor vehicle that is subject to Chapter 643.

SECTION 52. Section 601.154(c), Transportation Code, is amended to read as follows:
(c) In determining whether there is a reasonable probability that a judgment will be rendered against the person as a result of an accident and the amount of security that is sufficient under Subsection (a), the department may consider:
(1) a report of an investigating officer; and
(2) an accident report of a party involved; and
(3) an affidavit of a person who has knowledge of the facts.

SECTION 53. Section 707.004(f), Transportation Code, is amended to read as follows:
(f) Not later than December 1 of each year, the department
shall publish on the department's Internet website the information submitted by a local authority under Subsection (d).

SECTION 54. Sections 730.003(4) and (6), Transportation Code, are amended to read as follows:

(4) "Motor vehicle record" means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state or a local agency authorized to issue an identification document. The term does not include:

(A) a record that pertains to a motor carrier; or
(B) an accident report prepared under:

(i) Chapter 550; or
(ii) former Section 601.004 before September 1, 2017 [601].

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address, but not the zip code, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or
(B) information contained in an accident report prepared under:

(i) Chapter 550; or
(ii) former Section 601.004 before
SECTION 55. Section 2167.001(a), Government Code, is amended to read as follows:

(a) This chapter applies to:

(1) office space;
(2) warehouse space;
(3) laboratory space;
(4) storage space exceeding 1,000 gross square feet;
(5) boat storage space;
(6) aircraft hangar space other than hangar space and adjacent space leased by the Texas Department of Transportation [State Aircraft Pooling Board] at Austin-Bergstrom International Airport and operated for the purpose of providing air transportation services for the State of Texas;
(7) vehicle parking space; and
(8) a combination of those kinds of space.

SECTION 56. Section 2175.191(c), Government Code, is amended to read as follows:

(c) Proceeds from the sale of surplus and salvage property of the Texas Department of Transportation relating to the department's duties under Chapter 2205 [State Aircraft Pooling Board] shall be deposited to the credit of the department [board].

SECTION 57. The heading to Subchapter A, Chapter 2205, Government Code, is amended to read as follows:

SUBCHAPTER A. [STATE AIRCRAFT POOLING BOARD:] GENERAL PROVISIONS

SECTION 58. Section 2205.002(1), Government Code, is amended to read as follows:
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(1) "Department [Board]" means the Texas Department of Transportation [State Aircraft Pooling Board].

SECTION 59. Section 2205.012, Government Code, is amended to read as follows:
Sec. 2205.012. STAFF. (a) The department [board] may employ and compensate staff as provided by legislative appropriation or may use staff provided by the comptroller or the state auditor's office.

(b) The board shall develop and implement policies that clearly define the respective responsibilities of the board and the staff the board uses.

SECTION 60. Section 2205.032, Government Code, is amended to read as follows:
Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) The department [board] shall operate a pool for the custody, control, operation, and maintenance of all aircraft owned or leased by the state.

(b) The department [board] may purchase aircraft with funds appropriated for that purpose.

(c) As part of the strategic plan that the department [board] develops and submits under Chapter 2056, the department [board] shall develop a long-range plan for its pool of aircraft. The department [board] shall include [appropriate portions of] the long-range plan in the department's [its] legislative appropriations request if the department identifies the need for additional appropriations and the additional appropriations are related to the department's duties under this chapter.
A long-range plan must include:

1. estimates of future aircraft replacement needs and other fleet management needs, including:
   A. any projected need to increase or decrease the number of aircraft in the pool;
   B. estimates of the remaining useful life for each aircraft in the pool; and
   C. a proposed schedule for replacing aircraft in the pool;

2. a range of alternatives and scenarios for the number and types of aircraft in the pool;

3. an analysis of current usage of aircraft in the pool, including customer base and documented rationale for use;

4. the status of maintenance time and costs and projected future trends regarding maintenance time and costs;

5. any documented high-risk mechanical issues with aircraft in the pool;

6. an analysis of the costs and benefits of different methods for meeting air transportation currently provided by the department under Section 2205.036, including:
   A. the potential use of statewide contracts for private charter aircraft services;
   B. increased reliance on commercial carriers for routine travel;
   C. decreasing the number of aircraft in the pool and increasing the use of contracted flight services; and
   D. any other method the department considers
feasible; and

(7) an analysis of the impact of including capital
recovery costs in the rates the department charges under Section
2205.040 that, at a minimum, includes the impact of those included
costs on customer utilization and the department's schedule for
replacing aircraft in the pool.

(d) In developing the long-range plan, the department
shall consider at a minimum for each aircraft in the pool:

(1) how much the aircraft is used and the purposes for
which the aircraft is used;

(2) the cost of operating the aircraft and the revenue
generated by the aircraft; and

(3) the demand for the aircraft or for that type of
aircraft.

(e) The department shall update the long-range plan
annually and make the plan available on the department's Internet
website.

SECTION 61. Section 2205.034, Government Code, is amended
to read as follows:

Sec. 2205.034. FACILITIES. (a) The department may
acquire appropriate facilities for the accommodation of all
aircraft owned or leased by the state. The facilities may be
purchased or leased as determined by the department to be
most economical for the state and as provided by legislative
appropriations. The facilities may include adequate hangar space,
an indoor passenger waiting area, a flight-planning area,
communications facilities, and other related and necessary
facilities.

(b) A state agency that operates an aircraft may not use a facility in Austin other than a facility operated by the department for the storage, parking, fueling, or maintenance of the aircraft, whether or not the aircraft is based in Austin. In a situation the department determines to be an emergency, the department may authorize a state agency to use a facility in Austin other than a department facility for the storage, parking, fueling, or maintenance of an aircraft.

SECTION 62. Section 2205.035, Government Code, is amended to read as follows:

Sec. 2205.035. AIRCRAFT LEASES. (a) The department by interagency contract may lease state-owned aircraft to a state agency.

(b) A state agency that is the prior owner or lessee of an aircraft has the first option to lease that aircraft from the department.

(c) The lease may provide for operation or maintenance by the department or the state agency.

(d) A state agency may not expend appropriated funds for the lease of an aircraft unless the department executes the lease or approves the lease by board order.

(e) A state agency may not use money appropriated by the legislature to rent or lease aircraft except from the department or as provided by Subsection (f). For purposes of this subsection and Subsection (f), payments of mileage reimbursements provided for by the General Appropriations Act are not rentals or
leases of aircraft.

(f) If the department [board] determines that no state-owned aircraft is available to meet a transportation need that has arisen or that a rental or lease of aircraft would reduce the state's transportation costs, the department [board] shall authorize a state agency to expend funds for the rental or lease of aircraft, which may include a helicopter.

SECTION 63. Section 2205.036, Government Code, is amended to read as follows:

Sec. 2205.036. PASSENGER TRANSPORTATION. (a) The department [board] shall provide aircraft transportation, to the extent that its aircraft are available, to:

(1) state officers and employees who are traveling on official business according to the coordinated passenger scheduling system and the priority scheduling system developed as part of the aircraft operations manual under Section 2205.038;

(2) persons in the care or custody of state officers or employees described by Subdivision (1); and

(3) persons whose transportation furthers official state business.

(b) The department [board] may not provide aircraft transportation to a passenger if the passenger is to be transported to or from a place where the passenger:

(1) will make or has made a speech not related to official state business;

(2) will attend or has attended an event sponsored by a political party;
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(3) will perform a service or has performed a service for which the passenger is to receive an honorarium, unless the passenger reimburses the department for the cost of transportation;

(4) will attend or has attended an event at which money is raised for private or political purposes; or

(5) will attend or has attended an event at which an audience was charged an admission fee to see or hear the passenger.

(c) The department may not provide aircraft transportation to a destination unless:

(1) the destination is not served by a commercial carrier;

(2) the aircraft transportation is the most cost-effective travel arrangement in accordance with Section 660.007(a) [time required to use a commercial carrier interferes with passenger obligations]; [or]

(3) the number of passengers traveling makes the use of a state aircraft cost-effective; or

(4) emergency circumstances necessitate the use of a state aircraft.

(d) Before the executive director of the department or the director's designee may authorize a person to use a state-operated aircraft, the person must sign an affidavit stating that the person is traveling on official state business. On filing of the affidavit, the person may be authorized to use state-operated aircraft for official state business for a period of one year. A member of the legislature is not required to receive any other
additional authorization to use a state-operated aircraft.

(e) Before the executive director of the department or the
director's designee may authorize an employee of a state agency to
use a state-operated aircraft, the administrative head of the state
agency must certify that the employee's transportation complies
with the requirements of this section.

SECTION 64. Section 2205.038, Government Code, is amended
to read as follows:

Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) The
department [board] shall:

(1) prepare a manual that establishes minimum
standards for the operation of aircraft by state agencies; and
(2) adopt procedures for the distribution of the
manual to state agencies.

(b) The manual must include provisions for:

(1) pilot certification standards, including medical
requirements for pilots;
(2) recurring training programs for pilots;
(3) general operating and flight rules;
(4) coordinated passenger scheduling; and
(5) other issues the department [board] determines are
necessary to ensure the efficient and safe operation of aircraft by
a state agency.

(c) The department [board] shall confer with and solicit the
written advice of state agencies the department [board] determines
are principal users of aircraft operated by the department [board]
and, to the extent practicable, incorporate that advice in the
development of the manual and subsequent changes to the manual.

(d) The department [board] shall give an officer normally elected by statewide election priority in the scheduling of aircraft. The department [board] by rule may require a 12-hour notice by the officer to obtain the priority in scheduling.

SECTION 65. Section 2205.039, Government Code, is amended to read as follows:

Sec. 2205.039. TRAVEL LOG. (a) The Legislative Budget Board, in cooperation with the department [board], shall prescribe:

(1) a travel log form for gathering information about the use of state-operated aircraft;
(2) procedures to ensure that individuals who travel as passengers on or operate state-operated aircraft provide in a legible manner the information requested of them by the form; and
(3) procedures for each state agency that operates an aircraft for sending the form to the department [board] and the Legislative Budget Board.

(b) The travel log form must request the following information about a state-operated aircraft each time the aircraft is flown:

(1) a mission statement, which may appear as a selection to be identified from general categories appearing on the form;
(2) the name, state agency represented, destination, and signature of each person who is a passenger or crew member of the aircraft;
(3) the date of each flight;
(4) a detailed and specific description of the official business purpose of each flight; and

(5) other information determined by the Legislative Budget Board and the department [board] to be necessary to monitor the proper use of the aircraft.

(c) A state agency other than the department [Texas Department of Transportation] shall send the agency's travel logs to the department on an annual basis. An agency is not required to file a travel log with the department if the agency did not operate an aircraft during the period covered by the travel log.

SECTION 66. Section 2205.040, Government Code, is amended to read as follows:

Sec. 2205.040. RATES AND BILLING PROCEDURES; ACCOUNT FOR CAPITAL REPLACEMENT COSTS. (a) Subject to Subsection (b), the department [The board] shall adopt rates for interagency aircraft services that are sufficient to recover, in the aggregate and to the extent possible, all direct costs for the services provided, including a state agency's pro rata share of major maintenance, overhauls of equipment and facilities, and pilots' salaries.

(b) If the department's most recent long-term plan contains an analysis under Section 2205.032(c)(7) that finds that including capital recovery costs in the rates the department charges under this section is a practicable fleet replacement strategy, the department may adopt rates for interagency aircraft services provided by the department that are sufficient to recover, in the aggregate and to the extent possible:

(1) all direct costs for services provided, as
provided by Subsection (a); and

(2) the capital costs of replacing aircraft in the pool.

(c) The Legislative Budget Board, in cooperation with the department [board] and the state auditor, shall prescribe a billing procedure for passenger travel on state-operated aircraft.

(d) If the department adopts rates under Subsection (b), the portion of the rates collected for the capital costs of replacing aircraft in the pool shall be deposited in a separate account in the state highway fund. Money in the account may be used only for the acquisition of aircraft for the pool operated by the department under Section 2205.032.

SECTION 67. Section 2205.041, Government Code, is amended to read as follows:

Sec. 2205.041. AIRCRAFT USE FORM. (a) The department [Texas Department of Transportation] shall prescribe:

(1) an annual aircraft use form for gathering information about the use of state-operated aircraft, including the extent to which and the methods by which the goal provided by Section 2205.031(b) is being met; and

(2) procedures for each state agency that operates an aircraft for sending the form to the department.

(b) The aircraft use form must request the following information about each aircraft a state agency operates:

(1) a description of the aircraft;

(2) the date purchased or leased and the purchase price or lease cost;
the number of annual hours flown;
(4) the annual operating costs;
(5) the number of flights and the destinations;
(6) the travel logs prepared under Section 2205.039;
and
(7) any other information the department requires to document the proper or cost-efficient use of the aircraft.

SECTION 68. Section 2205.042, Government Code, is amended to read as follows:

Sec. 2205.042. PILOTS. An individual who is not a pilot employed by the department may not operate a state-operated aircraft unless the department grants the individual a specific exemption from that requirement.

SECTION 69. Section 2205.043(b), Government Code, is amended to read as follows:

(b) The department shall adopt rules, consistent with federal regulations and Section 3101.001, governing the color, size, and location of marks of identification required by this section.

SECTION 70. Section 2205.044, Government Code, is amended to read as follows:

Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The department may contract with a state or federal governmental agency or a political subdivision to provide aircraft fuel or to provide aircraft maintenance services.

SECTION 71. Section 2205.045(a), Government Code, is
amended to read as follows:

(a) The department [board] may purchase insurance to protect the department [board] from loss caused by damage, loss, theft, or destruction of aircraft owned or leased by the state and shall purchase liability insurance to protect the officers and employees of each state agency from loss arising from the operation of state-owned aircraft.

SECTION 72. Section 2205.046, Government Code, is amended to read as follows:

Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a) The department [board] may transfer aircraft to a public technical institute or other public postsecondary educational institution for use in the institution's flight training program. Except as provided by this section, the department [board] has no responsibility for continued maintenance of aircraft transferred under this section.

(b) As a condition to the transfer of the aircraft, the institution must certify in writing to the department [board] that the institution will accept full responsibility for maintenance of the aircraft and that it will be properly maintained while in the custody and control of the institution. The department [board] is entitled to inspect the aircraft without notice for the purpose of ensuring [insuring] that the aircraft is [are] properly maintained.

(c) The department [board] may immediately reassume custody and control of a transferred aircraft on a finding by the department [board] that:

(1) the aircraft is not being properly maintained;
(2) the aircraft is being used for a purpose other than flight training; or
(3) the institution has discontinued its flight training program.

SECTION 73. Section 2205.047, Government Code, is amended to read as follows:

Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The departmentshall post information related to travel and other services provided by the department on an Internet website maintained by or for the department. The site must be generally accessible to state agencies, persons who use the department's services, and, to the extent appropriate, the general public.

SECTION 74. The following provisions are repealed:

(1) Sections 2205.003, 2205.004, 2205.005, 2205.006, 2205.007, 2205.008, 2205.009, 2205.010, 2205.011, 2205.013, 2205.014, 2205.015, and 2205.017, Government Code; and
(2) Sections 201.404(b-2), 228.054(b) and (c), 228.055(a), (b), (c), (f), (g), (h), and (i), 228.201(b), 550.061, and 601.004, Transportation Code.

SECTION 75. (a) Except as provided by Subsection (b) of this section, Section 201.059, Transportation Code, as amended by this Act, applies to a member of the Texas Transportation Commission appointed before, on, or after the effective date of this Act.
(b) A member of the Texas Transportation Commission who, before the effective date of this Act, completed the training...
program required by Section 201.059, Transportation Code, as that
law existed before the effective date of this Act, is only required
to complete additional training on the subjects added by this Act to
the training program as required by Section 201.059, Transportation
Code, as amended by this Act. A member of the commission described
by this subsection may not vote, deliberate, or be counted as a
member in attendance at a meeting of the commission held on or after
December 1, 2017, until the member completes the additional
training.

SECTION 76. The changes in law made by this Act in amending
Sections 222.103, 366.301, 370.033, and 370.301, Transportation
Code, and adding Section 372.002, Transportation Code, apply only
to a loan, grant, or other contribution made by the Texas Department
of Transportation or the Texas Transportation Commission on or
after the effective date of this Act. A loan, grant, or other
contribution made before the effective date of this Act is governed
by the law in effect on the date the loan, grant, or other
contribution is made, and the former law is continued in effect for
that purpose.

SECTION 77. Section 223.051, Transportation Code, as added
by this Act, applies only in relation to a contract for which the
request for bids or proposals or other applicable expression of
interest is made public on or after the effective date of this Act.

SECTION 78. (a) The repeal by this Act of Sections
228.201(a)(5) and (b), Transportation Code, does not apply to a
highway or segment of a highway being operated as a toll project by
the Texas Department of Transportation, or an entity under contract
with the department, before September 1, 2017, or to a project included in the state's air quality state implementation plan before September 1, 2017. A highway or segment of a highway being operated as a toll project by the department, or an entity under contract with the department, before September 1, 2017, or a project included in the state's air quality state implementation plan before September 1, 2017, is governed by Subchapter E, Chapter 228, Transportation Code, as it existed immediately before that date, and the former law is continued in effect for that purpose.

(b) Section 228.201(c), Transportation Code, as added by this Act, applies only to a highway reconstruction in accordance with Section 228.201(a)(3), Transportation Code, that is begun on or after the effective date of this Act. A reconstruction begun before the effective date of this Act is governed by the law in effect when the reconstruction began, and the former law is continued in effect for that purpose.

SECTION 79. The changes in law made by this Act to the law regarding toll collection procedures and billing apply only to a toll incurred on or after March 1, 2018. A toll incurred before March 1, 2018, is governed by the law in effect on the date the toll was incurred, and the former law is continued in effect for that purpose.

SECTION 80. (a) Not later than October 1, 2017, the Texas Department of Transportation shall develop the procedures required under Section 223.051, Transportation Code, as added by this Act.

(b) Not later than March 1, 2018, the Texas Department of Transportation shall:
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(1) complete a review and update of the long-term transportation goals contained in the statewide transportation plan under Section 201.601, Transportation Code, and make any changes to the statewide transportation plan that are necessary to implement the change in law made by this Act to Section 201.601, Transportation Code, including adopting specific and clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures, to ensure that the department uses a single set of transportation goals in all of the department's transportation plans and policy efforts;

(2) make any changes to each of the department's transportation plans and policy efforts that are necessary to implement the change in law made by this Act to Section 201.6015, Transportation Code;

(3) develop the plan required by Section 201.807(g)(3), Transportation Code, as added by this Act;

(4) develop and publish on the department's Internet website the dashboard required by Section 201.8075, Transportation Code, as added by this Act; and

(5) implement the recommended management actions contained in Issue 4 of the Sunset Advisory Commission Staff Report for the Texas Department of Transportation, 85th Legislature, that were approved by the Sunset Advisory Commission.

(c) Not later than September 1, 2018, the Texas Department of Transportation shall adopt the first long-range plan containing the information required by Section 2205.032(c), Government Code,
as amended by this Act.

(d) Not later than September 1, 2018, the Texas Transportation Commission shall:

(1) adopt the rules required by Sections 201.807(h), 201.991(b-1), 201.998(f), and 201.9992, Transportation Code, as added by this Act, and Section 223.012, Transportation Code, as amended by this Act; and

(2) adopt or modify any rules necessary to implement the changes in law made by this Act to Sections 201.807, 201.991, and 201.998, Transportation Code.

SECTION 81. This Act takes effect September 1, 2017.
President of the Senate

I hereby certify that S.B. No. 312 passed the Senate on March 21, 2017, by the following vote: Yeas 30, Nays 0; May 19, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 2017, House granted request of the Senate; May 27, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 312 passed the House, with amendments, on May 17, 2017, by the following vote: Yeas 139, Nays 0, two present not voting; May 24, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 144, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor