

House Bill 300
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
<p>ARTICLE 1. GENERAL COMMISSION AND DEPARTMENT PROVISIONS</p> <p>SECTIONS 1.01 to 1.09. Chapter 201, Transportation Code, and Section 52.092, Election Code to provide for a 15-member Transportation Commission. The at large member is the chair. The term of the chair begins January 1, 2011. The Legislature is to reapportion the geographic districts considering county lines, senatorial and representative districts, and commissioners' precincts. Also, makes conforming changes in existing law to provide for elected commissioners. (2nd Reading Amendments 1 by McClendon and Amendment 3 by Leibowitz; and 3rd Reading Amendment 15 McClendon)</p>	<p>Same as House version.</p> <p>SECTION 1.01. Section 201.051, Transportation Code, is amended to provide that if the Governor does not appoint a member by February 28 of an odd-numbered year, the appointment transfers to the Lt. Governor. Also clarifies eligibility requirements for commission members.</p>	
<p>SECTION 1.04. Section 201.054, Transportation Code, is amended to provide that members elected from geographic districts would serve two-year terms, and the member elected at large would serve a four-year term.</p>	<p>SECTION 1.02. Section 201.054, Transportation Code, is amended to provide for two-year rather than six-year terms for the Transportation Commission.</p>	
<p>No equivalent provision.</p>	<p>SECTION 1.03. Section 201.054, Transportation Code, is amended to requires the Commission to make a sound and video recording of each commission meeting and commission work shop, and post them within 24 hours on the department's website.</p>	
<p>No equivalent provision.</p>	<p>SECTION 1.04. Subchapter B, Chapter 201, Transportation Code, is amended by adding Section</p>	

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	201.060 to specify that an assistant to a member of the Transportation Commission is not required to report to the Executive Director or another member of the Commission.	
No equivalent provision.	SECTION 1.06. Subchapter C, Chapter 201, Transportation Code, is amended to authorize the Transportation Commission to establish advisory committees.	
SECTION 1.09. Redesignates Section 201.0545, Transportation Code, relating to recommendations to the Legislature, as 201.053. SECTION 1.22. Section 201.0545, Transportation Code is repealed. (See also below)	SECTION 1.34. Section 201.0545, Transportation Code, is repealed, deleting language providing for the Commission and its chair to report to the legislature on statutory changes and legislative recommendations to improve the operation of the department.	
SECTION 1.10. Section 201.105, Transportation Code, is amended to provide for aligning the districts' boundaries along the boundaries of regional planning commissions created under Chapter 391, Local Government Code. Authorizes the Commission to vary from the boundaries of a regional planning commission to avoid significant adverse economic impact, cost inefficiency, and workforce disruptions, and requires the Commission to report to the legislature if it does.	No equivalent provision.	
SECTION 1.11. Subchapter C, Chapter 201, Transportation Code, is amended to apply standard	SECTION 1.05. Same as House version.	

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Sunset across-the-board recommendations that require the Commission to make effective use of technology in its delivery of services and provision of information to the public, and requires the Commission to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.		
SECTIONS 1.12 and 1.13. Sections 201.201 and 201.202, Transportation Code, are amended to establish a rail transportation division, make a conforming change regarding the person designated by the chair of the commission to supervise highways and roads divisions, and provide for a chief financial officer to report directly to the commission. .	SECTION 1.07. Same as House version.	
SECTION 1.14. Section 201.204, Transportation Code, is amended to change the department's sunset date to 2013.	SECTION 1.08. Same as House version.	
SECTION 1.15. Subchapter D, Chapter 201, Transportation Code, is amended to require the Commission members and TxDOT's Chief Financial Officer to certify the establishment of, adherence to, and effectiveness of internal controls at the Department. Requires the Transportation Legislative Oversight Committee to recommend appropriate penalties for	SECTION 1.09. Similar to House version, but does not require commission members to certify the establishment of, and effectiveness of internal controls at the Department.	

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<p>failure to submit the certifications.</p> <p>Prohibits a member of the Commission or a department employee from using any money under the department's control or engaging in an activity to influence the passage or defeat of legislation. Specifies that violation of these requirements is grounds for dismissal of an employee. Specifies that these prohibitions do not prohibit a member of the Commission or department employee from using state resources to provide public information or information responsive to a request; or to communicate with the federal government in pursuit of federal appropriations.</p> <p>Requires TxDOT and its employees to develop, adopt, and adhere to a Code of Ethics, and to establish an ethics hotline for reporting violations.</p> <p>Requires TxDOT staff to present the agency's LAR to the Transportation Commission in a timely manner.</p>	<p>Similar to House version, but adds language to clarify that a member of the Commission or a department employee may not use state resources to engage in an activity to influence the passage or defeat of legislation. Specifies that violation of these requirements is grounds for dismissal of an employee who directs or carries out the violation. Adds to the language in HB 300 to specify that these prohibitions do not prohibit a member of the Commission or department employee from using state resources to influence the passage or defeat of federal legislation or regulation.</p> <p>Same as House version.</p> <p>Same as House version.</p>	
<p>SECTIONS 1.16 and 1.17. Subchapter E, Chapter 201, Transportation Code, is amended to remove language in statute establishing experience requirements for the Executive Director, including the requirement for the person to be a registered professional engineer.. Also, makes other conforming changes.</p>	<p>SECTION 1.11. Removes requirement that the Executive Director be a registered professional engineer in this state</p>	

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SECTION 1.18. Section 201.404(b), Transportation Code, is amended to require the director or director's designee to evaluate the performance of its administrative and decision-making staff to determine whether employees should retain their positions within the Department. (2nd Reading Amendment 8 by Swinford	SECTION 1.12. Same as House version.	
SECTION 1.19. Subchapter H, Chapter 201, Transportation Code, is amended to add a provision requiring the Department to delegate the responsibility for obtaining environmental review for a project using federal or state funds or on the federal or state highway system, to a toll project entity, upon request of the entity and to the extent permitted by federal law. Requires the review documents to meet the approval of the Federal Highway Administration or TxDOT, as appropriate. CSHB 300, Page 10 as amended by 2nd reading amendment 9 by Wayne Smith by adding Section 201.6041 to read as follows:	No equivalent provision.	
No equivalent provision.	SECTION 1.13. Section 201.703, Transportation Code, is amended to authorizes TxDOT to spend federal and state funds for a transportation program or improvement of a transportation project that is not on the state highway system. Provides that state money may not be used exclusively for the construction of a road not on the state highway system. Authorizes TxDOT to contract for work or authorize a local government to contract for work	

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	involving a road not on the state highway system.	
No equivalent provision.	SECTION 1.14. Section 202.021, Transportation Code, is amended add a provision authorizing TxDOT to waive payment and convey property if the governmental entity assumes or has assumed jurisdiction, control, and maintenance of the right-of-way for public road purposes. Specifies that if the property ceases to be used for public road purposes, the rights automatically revert and transfer back to the state.	
No equivalent provision.	SECTION 1.16. Subchapter C, Chapter 202, Transportation Code, is amended by adding Section 202.061 to authorize the Texas Transportation Commission to enter into covenants for environmental remediation of real property owned by TxDOT to bring the property into compliance with zoning or land use controls imposed on the property by each applicable local government.	
SECTION 1.20. Section 201.802, Transportation Code, is amended to clean up language regarding public access to the Transportation Commission.	No equivalent provision.	
SECTION 1.21. Subchapter K, Chapter 201, Transportation Code, is amended by adding Section 201.910 to require the Commission, by rule, to allow the	No equivalent provision.	

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<p>placement of privately funded memorials along state highway right-of-way honoring non-DPS peace officers and special investigators who were killed in the line of duty based on substantially identical rules for the placement of privately funded memorials honoring DPS troopers killed in the line of duty.</p>		
<p>SECTION 1.22. See SECTION 1.09, above.</p>		
<p>SECTION 1.23. Subtitle A, Title 6, Transportation Code, is amended by adding Chapter 205 to establish an eight-member Transportation Legislative Oversight Committee to provide necessary oversight of TxDOT and the state's transportation system. Members include the Chairs of the Senate Committee on Transportation and Homeland Security and House Transportation Committee, Chairs of Senate Finance and House Appropriations, two members of the Senate appointed by the Lieutenant Governor, and two members of the House of Representatives appointed by the Speaker. (2nd Reading Amendment 10 by Pickett)</p> <p>Sets out specific duties of the committee, including monitoring the department's planning, program, and funding of the state transportation system; conducting an in-depth analysis of the state transportation system; and advising, assisting, and making recommendations to the legislature on improvements to the state's transportation</p>	<p>SECTION 1.17. Subchapter H, Chapter 201, Transportation is amended by adding Section 201.625 to establish a 22-member Transportation Legislative Oversight Committee to monitor certain duties, financial and policy issues, and organization of the department. Members include all members of the Senate Committee on Transportation and Homeland Security and House Transportation Committee; and the Chairs of Senate Finance and House Appropriations. Requires the committee to meet quarterly and at the call of the presiding officer. Provides for rotating chair between Chairs of the Senate and House transportation committees.</p> <p>Specifies the duties of the committee are to monitor the department's implementation of changes made through the Sunset process; major transportation projects; changes to the department's organizational structure; significant transportation policy issues; and financial issues facing the department.</p>	

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<p>system.</p> <p>Requires TxDOT to present its entire research program to the committee for review and comment before adopting or implementing the program. Authorizes the Committee to contract with Texas universities to conduct transportation research.</p> <p>Authorizes the Committee to contract with a management consulting firm to assess and recommend organizational and process improvements at TxDOT.</p> <p>Provides for TxDOT employees who primarily perform duties related to the department's government and public affairs research section become employees of the Transportation Legislative Oversight Committee and that funds appropriated to the department's government and public affairs research section are transferred to the oversight committee.</p>	<p>No equivalent provision.</p> <p>No equivalent provision.</p> <p>Requires the department to enter an interagency agreement with the legislature, a chamber of the legislature, or a legislative agency to provide funding not to exceed \$1 million for the biennium to support the operation of the committee.</p>	
<p>No equivalent provision.</p>	<p>SECTION 1.19. Subchapter F, Chapter 224, Transportation Code is amended by adding Section 224.1544 to provide for the Transportation Commission to authorize the operation of a vehicle or combination that exceeds a height, length, or gross weight limitation on a lane designed as an exclusive lane if supported by engineering and traffic studies. The section does not authorize the operation of vehicle axle weights greater</p>	

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	than authorized in other law.	
No equivalent provision.	SECTION 1.35. Section 545.353, Transportation Code is amended by adding Subsection (h-2) to authorize the Transportation Commission to establish a speed limit of 85 miles per hour if it is determined after investigation to be safe and reasonable for that part of the highway system and the part of the highway system is designed for a speed of 85 miles per hour or more.	
SECTION 1.24. Subchapter Z, Chapter 311, Transportation Code, is amended to require notice by a municipality that imposes a fee on the user of property that is benefitted by a transportation system owned by the municipality. Provides for notice to the Department and the user of the fee and specifies the means by which notice must be given to the Department and the user.	SECTION 24.02. Same as House version.	
SECTIONS 1.25 and 1.26. Section 201.051, Transportation Code, is amended by adding Subsection (h) to provide for commissioner vacancies to be filled by election by the Legislature by a majority of the votes cast in each house sitting separately. Provides for the appointment of members for terms to begin September 1, 2009. (2nd Reading Amendment 4 by Veasey and 3rd Reading Amendment 16 by Veasey)	No equivalent provision.	
SECTION 1.27. Requires TxDOT to determine the cost	No equivalent provision.	

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of upgrading the existing railroad tracks between Brownsville and Starr County for use as passenger and freight lines. (2nd reading amendment 13 by Mando Martinez)		
SECTIONS 1.28 and __. Subchapter E, Chapter 186, Utilities Code, is amended to provides that a common carrier, energy transporter, or gas utility has the right to lay and maintain lines along, over, under, and across a public road, and interurban railroad, a street railroad, a canal or stream, or a municipal street or alley only if the entity is subject to the jurisdiction of the Railroad Commission of Texas and subject to safety standards, and complies with all applicable state and federal rules including those relating to the horizontal and vertical location of a pipeline. Specifies that the granted rights relating to municipal streets or alleys are subject to payment of charges. Requires an energy transporter to relocate its pipeline facilities at its own expense unless it has a property interest in land occupied by the pipeline to be relocated. Requires an entity that lays or maintains lines under the section to promptly restore any transportation facility, canal, or stream to its former condition of usefulness after the installation or maintenance is complete.	No equivalent provision.	
SECTION 1.29. Section 201.403, Transportation Code, is amended by adding Subsection (a-1) to provide that the Department does not have to post certain positions	No equivalent provision.	

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<p>during a legislatively mandated hiring if a vacancy can be filled by the transfer or reassignment of a department employee. (2nd Reading Amendment 17 by Isett)</p>		
<p>SECTION 1.30. Section 201.403, Transportation Code, is amended by adding Subsection (a-1) to provide that the Department does not have to post certain positions during a legislatively mandated hiring freeze or as part of a reorganization if a vacancy can be filled by the transfer or reassignment of a department employee. (2nd Reading Amendments 18 by Phillips)</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.31. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6041 to require the department, before entering into a contract for the construction of a tolled highway project, to report on the findings of a draft environmental impact statement regarding the advantages and disadvantages of pursuing the project as a tolled rather than a nontolled highway project or other alternatives. (2nd Reading Amendments 19 by Coleman, and 20 by Pickett)</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.32. Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.2025 to require TxDOT's business development and program office to administer its disadvantaged business enterprise program and small business enterprise</p>	<p>No equivalent provision.</p>	

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program. (2nd Reading Amendment 23 by Y. Davis)		
SECTION 1.33. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.622 to provide that the commission may not require each proposed highway or other mobility project in development, or under construction be evaluated for tolling. (2nd reading Amendment 24 by Harper-Brown)	No equivalent provision.	
SECTION 1.34. Section 201.903, Transportation Code, is amended by adding Subsection (c) to provide that to the extent allowable by federal law, each TxDOT sign on I-35 that identifies an intersection with Hwy 57 and includes the name of a municipality or an unincorporated community located on Hwy 57 must include the words "Crystal City." (2nd reading amendment 26 by Tracy King and 3rd reading Amendment 11 by Tracy King)	No equivalent provision.	
SECTION 1.35. Sections 201.909(c) and (d), Transportation Code, are amended to provide that a sign designed and posted under the Memorial Sign Program to include the phrase "Drive Safely," and includes the selection of a phrase as part of a request for such a sign. (2nd reading amendment 27 by Alonzo)	No equivalent provision.	
SECTION 1.36. Section 202.021, Transportation Code, is amended to require TxDOT to make the strongest	No equivalent provision.	

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<p>effort to dispose of property that has ceased to serve the functions of the department, taking into consideration the use of the property during the following 10 years. (2nd Reading Amendment 28 by Pickett)</p>		
<p>SECTION 1.37. Subchapter B, Chapter 202, Transportation Code, is amended by adding Section 202.0215 to authorize the department, in acquiring right-of-way property, to take title to unusable remainder property not to be used for right-of-way purposes and requires the department to consider offering the unusable property to a nonprofit corporation designated by the municipality or county in which the property is located, without cost to the nonprofit. (2nd Reading Amendment 29 by Alonzo and Amendment 30 by Pickett)</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.38. Section 203.031, Transportation Code, is amended to require the Transportation Commission to adopt rules to provide procedures for appealing a decision by a TxDOT district office to deny access to a specific location on a controlled access highway, including procedures that allow an applicant to appeal the denial to the design division of TxDOT. (2nd Reading Amendment 31 by Callegari)</p>	<p>SECTION 1.15. Same as House version.</p>	
<p>SECTION 1.39. Subchapter A, Chapter 222,</p>	<p>SECTION 2.08. Same as House version.</p>	

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<p>Transportation Code, is amended by adding Section 222.004 to authorize the Department, a county, a regional tollway authority, or a regional mobility authority to enter into an agreement to provide funds to a state or federal agency to expedite the environmental review process. (2nd reading amendment 32 by Harper-Brown)</p>		
<p>SECTION 1.40. (a) Chapter 222, Transportation Code, is amended by adding Subchapter F to require the department to establish a pilot program in at least one county that is part of a RMA to study the feasibility of assessing a VMT road user fee. (2nd Reading Amendment 33 by Harper-Brown)</p>		
<p>SECTION 1.41. Section 228.057(e), Transportation Code, is amended to read as follows: (e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552, Government Code, and may not be sold to a third party.</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.42. Subchapter A, Chapter 201, Transportation Code, is amended by adding Section 201.004 to prohibit any person from retaining or</p>	<p>No equivalent provision.</p>	

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<p>employing, or accepting employment or rendering any service to influence an administrative action at the department or Transportation Commission for compensation or for a commission contingent upon the passage or defeat of the administrative action. (2nd Reading Amendment 80 by Anchia)</p>		
<p>SECTION 1.43 to 1.45. Redesignates Sections 223.201-223.209, Transportation Code, as Subchapter E, Chapter 371, Transportation Code, to specify that a restriction on TxDOT in connection with a CDA applies equally to a toll project entity, and makes conforming changes to reflect the unified treatment of CDAs in statute.</p> <p>Deletes the provision authorizing a toll project entity to enter into a CDA for a facility or a combination of facilities on the Trans-Texas Corridor. Adds a provision extending authority to regional mobility authorities to enter into a CDA for a “transportation project.”</p> <p>Establishes that the authority to enter into CDAs expires on August 31, 2013.</p> <p>House Amendment 134 (Phillips), as amended by third reading Amendments 1 (Dunnam/Phillips), 2 (Leibowitz), 3 (Phillips), and 4 (Phillips)</p> <p>Prohibits a person from serving as a consultant, advisory, auditor, or other expert regarding a CDA or other public-</p>	<p>No equivalent provision.</p>	

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<p>private partnership if the person or the person’s affiliate has a financial interest in those ventures. Excludes third parties performing a market valuation for a toll project. House Amendment 63 (Rodriguez)</p> <p>Specifies that a toll project entity may not enter into a CDA for a toll project that contains a provision:</p> <ul style="list-style-type: none"> • limiting or prohibiting construction, maintenance, or other types of road-related work on a nontolled highway; or • requiring a toll project entity to reimburse a private entity for loss of toll revenue due to the construction of a nontolled highway. <p>House Amendment 70 (Farrar), as amended by third reading House Amendment 1(Dunnam/Phillips)</p> <p>Requires that a business entity submitting a bid on a highway construction or maintenance project disclose, within 30 days after submission, the following:</p> <ul style="list-style-type: none"> • Each political contribution of \$1,000 or more made in the preceding four years to a candidate, officeholder, or political committee required to file with the Texas Ethics Commission. Specifies that the provision applies to contributions made by the business entity, an individual with a substantial financial interest in the business entity, or a political committee established or administered by the entity. • Each lobbying expenditure made in the four 		

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<p>preceding years by or on behalf of the business entity.</p> <p>Defines “substantial financial interest” and other terms used in the provision.</p> <p>Specifies that a business entity that has not made a political contribution or a lobbying expenditure subject to disclosure shall deliver to the chief administrative officer of the applicable toll project entity or that officer’s designee a written statement that the business entity has not made an expenditure that must be disclosed. Specifies that a toll project entity may not consider a bid submitted by a business entity that does not comply with this section.</p> <p>House Amendment 61 (Moody), as amended by third reading Amendment 1 (Dunnam/Phillips)</p>		
<p>SECTION 1.46. Subsection 201.706(1), Transportation Code, is amended to increase the dollar amounts of TxDOT assistance to local governments under this section from at least \$6 million per year to at least \$18 million per year. (House Floor Amendment 135 by Chisum)</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.47. Subtitle K, Title 6, Transportation Code, is amended by adding Chapter 462 to authorize Texas to join the Southern High-Speed Rail Compact with Alabama, Louisiana, and Mississippi.</p>	<p>No equivalent provision.</p>	

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(House 2nd reading amendment 144 and 145 by Hughes)		
SECTION 1.48. Section 521.142(e), Transportation Code, is amended to require an application for an original drivers license to include any other information the department requires to determine the applicant's identity, competency, and eligibility, except the application may not include an inquiry as to whether the applicant has been diagnosed with, treated, or hospitalized for a psychiatric disorder. (2nd Reading Amendment 161 by Coleman)	No equivalent provision.	
SECTION 1.49. Section 201.109(b), Transportation Code, is amended to delete language directing the Transportation Commission to maximize revenue from its assets, including real estate, to increase the role of the private sector and public-private projects in developing highway projects, and to increase private investment in transportation infrastructure. (2nd Reading Amendment 172 by Coleman)	No equivalent provision.	
SECTION 1.50. PRESIDIO INTERNATIONAL BRIDGE. Provides for the department to sell and convey the Presidio International Bridge to the City and County of Presidio at cost. Allows the department to	No equivalent provision.	

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<p>maintain up to a 10 percent minority share of ownership so long as it does not preclude the city and county from charging a toll for use of the bridge by passenger, commercial, pedestrian, or other traffic. (3rd Reading Amendment 7 by Gallego)</p>		
<p>SECTION 1.51. Notwithstanding any other provision of this Act, the changes made in law by this Act do not apply to the following enumerated projects. Such projects are governed by the law as it existed immediately before the effective date of the Act, and those provisions are continued in effect for that purpose. The projects subject to this section are: (1) All segments of State Highway 130 from Georgetown to Seguin.</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.52. Provides for the election of the first chair of the commission of transportation in November, 2010 to serve for a term that begins January 1, 2011, and provides for the transition from the current commission structure to the new elected commission.</p>	<p>No equivalent provision.</p>	
<p>SECTION 1.53. Specifies that the provisions in the bill do not apply to the following projects. : (1) the State Highway 161 project from State Highway 183 to IH 20 in Dallas County; (2) the DFW Connector project in Tarrant and Dallas</p>	<p>No equivalent provision.</p>	

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<p>Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of FM 2499 to south of State Highway 360);</p> <p>(3) the North Tarrant Express project in Tarrant and Dallas Counties (IH 820 and State Highway 121/State Highway 183 from IH 35W to State Highway 161, IH 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and IH 35W from IH 30 to State Highway 170);</p> <p>(4) the IH 635 managed lanes project in Dallas County (IH 635 from east of Luna Road to Greenville Avenue and IH 35E from south of the Loop 12/IH 35E split to south of Valwood Parkway);</p> <p>(5) a project associated with the highway designated as the Trinity Parkway in the city of Dallas;</p> <p>(6) Phase 4 extension of the Dallas North Tollway in Denton County from U.S. 380 to the Grayson County line to be developed by North Texas Tollway Authority;</p> <p>(7) the Southwest Parkway (State Highway 121) in Tarrant County from Dirks Road/Altamesa Boulevard to IH 30; or</p> <p>(8) the Trinity Parkway.</p> <p>(Third reading amendments 10 by Kuempel, 19, by Giddings, and 20, by Paxton)</p>		
No equivalent provision.	SECTION 1.__. Section 21.042, Property Code, is amended by adding Subsection (h) to read as follows:	

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	<p>(h) This subsection applies only in connection with a portion of a tract or parcel of real property that is condemned in connection with a highway or other transportation project of the Texas Department of Transportation. In estimating injury or benefit under Subsection (c), the special commissioners shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner's ownership, use, or enjoyment of the particular parcel of real property, including a material impairment of direct access on or off the remaining property that affects the market value of the remaining property, but they may not consider an injury or benefit that the property owner experiences in common with the general community, including circuitry of travel and diversion of traffic. In this subsection, "direct access" means ingress and egress on or off a public road, street, or highway at a location or locations where the remaining property adjoins that road, street, or highway. (Floor Amendment 3, by Hegar)</p>	
<p>No equivalent provision.</p>	<p>SECTION 1.__. Section 21.042, Property Code, is amended by adding Subsection (i) to read as follows: (i) This subsection applies only in connection with a portion of a tract or parcel of real property that is condemned in connection with a highway or other transportation project of a political subdivision or governmental entity of this state other than the Texas Department of Transportation. In estimating injury or benefit under Subsection (c), the special commissioners</p>	

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	<p>shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner's ownership, use, or enjoyment of the particular parcel of real property, including a material impairment of direct access on or off the remaining property that affects the market value of the remaining property, but they may not consider an injury or benefit that the property owner experiences in common with the general community, including circuitry of travel and diversion of traffic. In this subsection, "direct access" means ingress and egress on or off a public road, street, or highway at a location or locations where the remaining property adjoins that road, street, or highway. (Floor Amendment 4, by Duncan/Estes)</p>	
<p>ARTICLE 2. TRANSPORTATION PLANNING AND PROJECT DEVELOPMENT PROCESS</p>	<p>Same as House version.</p>	
<p>SECTION 2.01. Section 201.601, Transportation Code, is amended to read as follows: Sec. 201.601. STATEWIDE TRANSPORTATION PROGRAM AND BUDGET [PLAN]. [(a)] The department shall develop a statewide transportation program and budget under Subchapter H-1 [plan that contains all modes of transportation, including: [(1) highways and turnpikes; [(2) aviation; [(3) mass transportation;</p>	<p>SECTION 2.02. Section 201.601, Transportation Code, is amended to read as follows: Sec. 201.601. STATEWIDE TRANSPORTATION PLAN. (a) The department shall develop a statewide transportation plan <u>covering a period of not less than 25 years</u> that contains all modes of transportation, including: (1) highways and turnpikes; (2) aviation; (3) mass transportation; (4) railroads and high-speed railroads; and</p>	

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<p>[(4) railroads and high-speed railroads; and (5) water traffic].</p> <p>[(b) In developing the plan, the department shall seek opinions and assistance from other state agencies and political subdivisions that have responsibility for the modes of transportation listed by Subsection (a). As appropriate, the department and such an agency or political subdivision shall enter into a memorandum of understanding relating to the planning of transportation services.</p> <p>[(c) The plan must include a component that is not financially constrained and identifies transportation improvements designed to relieve congestion. In developing this component of the plan, the department shall seek opinions and assistance from officials who have local responsibility for modes of transportation listed in Subsection (a).</p> <p>[(d) The plan shall include a component, published annually, that describes the evaluation of transportation improvements based on performance measures, such as indices measuring delay reductions or travel time improvements. The department shall consider the performance measures in selecting transportation improvements.]</p>	<p>(5) water traffic.</p> <p>(a-1) The plan must:</p> <p><u>(1) contain specific, long-term transportation goals for the state and measurable targets for each goal;</u></p> <p><u>(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</u></p> <p><u>(3) contain a participation plan for obtaining input on the goals and priorities identified under this subsection from:</u></p> <p><u>(A) other state agencies;</u></p> <p><u>(B) political subdivisions;</u></p> <p><u>(C) planning organizations as defined in Section 201.981(2); and</u></p> <p><u>(D) members of the general public.</u></p> <p>(b) [In developing the plan, the department shall seek opinions and assistance from other state agencies and political subdivisions that have responsibility for the modes of transportation listed by Subsection (a).] As appropriate, the department and <u>one or more of the entities listed in Subsection (a-1)(3) [such an agency or political subdivision]</u> shall enter into a memorandum of understanding relating to the planning of transportation services.</p> <p>(c) The plan must include a component that is not financially constrained and identifies transportation improvements designed to relieve congestion. In developing this component of the plan, the department shall seek opinions and assistance from officials who have local responsibility for modes of transportation listed in</p>	

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	<p>Subsection (a). (d) <u>If there is a conflict between obligations and requirements imposed in federal law governing the transportation planning, project development, and programming process for the department and planning organizations as defined in Section 201.981(2), and those imposed in this title, federal law controls and the commission may take any action that is necessary in its reasonable judgment to comply with any federal law to enable this state to receive federal aid funds.</u> (e) <u>The department shall update the plan every five years or more frequently as necessary. [The plan shall include a component, published annually, that describes the evaluation of transportation improvements based on performance measures, such as indices measuring delay reductions or travel time improvements. The department shall consider the performance measures in selecting transportation improvements.]</u></p>	
No equivalent provision.	<p>SECTION 2.03. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6012, to read as follows:</p> <p><u>Sec. 201.6012. INTEGRATION OF PLANS AND POLICY EFFORTS. In developing each of its transportation plans and policy efforts, the department must clearly reference the 25-year plan developed under Section 201.601 and specify how the plan or policy effort supports or otherwise relates to the specific goals</u></p>	

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	contained in that plan.	
<p><u>SECTION 2.02. Chapter 201, Transportation Code, is amended by adding Subchapter H-1 to read as follows:</u> <u>SUBCHAPTER H-1. STATEWIDE TRANSPORTATION PLANNING AND FUNDING ALLOCATION</u> <u>Sec. 201.651. DEFINITIONS. In this subchapter:</u> <u>(1) "Planning organization" means:</u> <u>(A) a metropolitan planning organization;</u> <u>(B) a rural planning organization; or</u> <u>(C) for an area that is not in the boundaries of a metropolitan planning organization, the department district that serves the area.</u> <u>(2) "Project cost" means the total cost of a transportation project, including all costs associated with:</u> <u>(A) planning;</u> <u>(B) design;</u> <u>(C) environmental assessment;</u> <u>(D) right-of-way acquisition;</u> <u>(E) construction;</u> <u>(F) operations;</u> <u>(G) maintenance;</u> <u>(H) overruns; and</u> <u>(I) change orders.</u> <u>(3) "Region" means the area for which a planning organization develops plans and receives funds under this subchapter.</u> <u>(4) "Rural planning organization" means a planning</u></p>	<p><u>SECTION 2.07. Chapter 201, Transportation Code, is amended by adding Subchapter P to read as follows:</u> <u>SUBCHAPTER P. PROJECT DEVELOPMENT PROGRAM</u> <u>Sec. 201.981. DEFINITIONS. In this subchapter:</u> <u>(1) "Local transportation entity" means an entity that participates in the transportation planning process. The term includes:</u> <u>(A) a metropolitan planning organization;</u> <u>(B) a rural planning organization;</u> <u>(C) a regional tollway authority organized under Chapter 366;</u> <u>(D) a regional transportation authority operating under Chapter 452;</u> <u>(E) a rural transit district as defined by Section 458.001;</u> <u>(F) a coordinated county transportation authority operating under Chapter 460; and</u> <u>(G) a regional mobility authority operating under Chapter 370.</u> <u>(2) "Planning organization" means:</u> <u>(A) a metropolitan planning organization;</u> <u>(B) a rural planning organization; or</u> <u>(C) for an area that is not in the boundaries of a metropolitan planning organization or a rural planning organization, the department district.</u> <u>(3) "Transportation project" means the planning, right-of-way acquisition, expansion, improvement, addition, or</u></p>	

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<p>organization created under Section 201.653.</p> <p><u>(5) "Transportation official" means an official in a state agency or political subdivision who has responsibility for any of the following modes of transportation:</u></p> <p><u>(A) aviation;</u> <u>(B) high-speed rail;</u> <u>(C) highways;</u> <u>(D) toll roads;</u> <u>(E) mass transportation;</u> <u>(F) railroads; and</u> <u>(G) water traffic.</u></p> <p><u>(6) "Transportation project" means:</u></p> <p><u>(A) the planning of, right-of-way acquisition for, expansion of, improvement of, addition to, routine maintenance of, contracted routine maintenance of, or contract maintenance of a:</u></p> <p><u>(i) bridge;</u> <u>(ii) highway;</u> <u>(iii) toll road or toll road system; or</u> <u>(iv) railroad;</u></p> <p><u>(B) a project that enhances the safety of a roadway to the traveling public;</u> <u>(C) an air quality improvement initiative;</u> <u>(D) a transportation enhancement activity under 23 U.S.C. Section 133; or</u> <u>(E) mass transportation.</u></p> <p><u>Sec. 201.652. PURPOSE. It is in the interest of this state to:</u></p>	<p><u>contract maintenance, other than the routine or contracted routine maintenance, of:</u></p> <p><u>(A) a bridge;</u> <u>(B) a highway;</u> <u>(C) a toll road or toll road system;</u> <u>(D) a railroad;</u> <u>(E) an enhancement of a roadway that increases the safety of the traveling public;</u> <u>(F) an air quality improvement initiative; or</u> <u>(G) a transportation enhancement activity under 23 U.S.C. Section 133.</u></p> <p>No equivalent provision.</p>	

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<p><u>(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development in rural and urbanized areas of this state, while minimizing transportation-related fuel consumption and air pollution through metropolitan, rural, and statewide transportation planning processes identified in this chapter; and</u></p> <p><u>(2) encourage the continued improvement and evolution of the metropolitan, rural, and statewide transportation planning processes by planning organizations and public transit operators as guided by the planning factors identified in state and federal law.</u></p>		
<p><u>Sec. 201.653. RURAL PLANNING ORGANIZATIONS. (a) To carry out the transportation planning process required by this subchapter, a rural planning organization may be created to serve an area that is located in the boundaries of a council of government and outside the boundaries of a metropolitan planning organization if the governing bodies of the units of local government in which at least 75 percent of the population of the area resides each adopt a resolution agreeing to the creation of the organization.</u></p>	<p>SECTION 2.12. Chapter 472, Transportation Code is amended by adding Subchapter E to read as follows: <u>SUBCHAPTER E. RURAL PLANNING ORGANIZATIONS</u> <u>Sec. 472.151. DEFINITION. "Rural planning organization" means a planning organization created in accordance with Section 472.152 to carry out the rural transportation planning functions under Section 472.154 in areas that lie outside the boundaries of a metropolitan planning organization.</u></p> <p><u>Sec. 472.152. CREATION OF RURAL PLANNING ORGANIZATION; BOUNDARIES. (a) A rural planning organization may be created by resolutions by the</u></p>	

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<p><u>(b) A rural planning organization is governed by a board of directors composed of local elected officials and the district engineer of the department district in which the area is located.</u></p> <p><u>(c) For a rural planning organization to be eligible to receive funds from this state for transportation projects under Section 201.668:</u></p> <p><u>(1) at least 75 percent of the organization's board</u></p>	<p><u>commissioners courts of:</u></p> <p><u>(1) at least two counties, other than counties whose entire area is served by a metropolitan planning organization, that make up at least two-thirds of the counties in a regional planning commission under Chapter 391, Local Government Code; or</u></p> <p><u>(2) at least two-thirds of the counties, other than counties whose entire area is served by a metropolitan planning organization, that make up a department district.</u></p> <p><u>(b) As soon as practicable after its creation, a rural planning organization shall send notice of its creation to the commission.</u></p> <p><u>(c) The boundaries of a rural planning organization created by counties described by Subsection (a)(1) are the boundaries of the area served by the regional planning commission. The boundaries of a rural planning organization created by counties described by Subsection (a)(2) are the boundaries of the department district.</u></p> <p><u>Sec. 472.153. COMPOSITION OF BOARD OF DIRECTORS OF RURAL PLANNING ORGANIZATION. (a) A rural planning organization is governed by a board of directors whose membership may include:</u></p> <p><u>(1) not more than 50 percent local elected officials representing political subdivisions located in the boundaries of the rural planning organization; and</u></p> <p><u>(2) the district engineer of the department district or districts in the boundaries of the rural planning</u></p>	

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<p><u>members must be elected officials who are elected within the boundaries of the rural planning organization; and</u> <u>(2) only elected officials may be voting members of the organization's board.</u> <u>(d) A rural planning organization may be dissolved by official action of its board.</u> <u>(e) As soon as practicable after a rural planning organization is created or dissolved, the organization shall send notice of its creation or dissolution to the commission.</u></p> <p><u>(f) The department may use money in the state highway fund to fund the operations of a rural planning organization, subject to Section 201.672(c).</u></p>	<p><u>organization.</u> <u>(b) The orders of the commissioners courts creating the organization under Section 472.152 must provide for the appointment of the initial board of directors.</u> <u>(c) Additional directors may be appointed from residents of the area served by the rural planning organization in a manner determined by the board of directors.</u> <i>Section 4 of Senate floor amendment 1 by Hegar</i></p> <p><u>Sec. 472.155. DEPARTMENT PARTICIPATION. The department:</u> <u>(1) shall provide funds and personnel to assist rural planning organizations with rural transportation planning, which may include:</u> <u>(A) eligible federal planning funds not designated for metropolitan planning organizations;</u> <u>(B) money appropriated to the department from the state highway funds; and</u> <u>(C) other funds as may be available to fund the operations of a rural planning organization;</u> <u>(2) shall work with rural planning organizations to identify available sources of funding for rural transportation planning, which may include federal funds or transportation development credits; and</u> <u>(3) may contract with rural planning organizations to provide services necessary to support rural transportation</u></p>	

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<p><u>(g) A rural planning organization shall develop transportation plans and programs for its service area in accordance with this subchapter.</u></p> <p><u>(h) A rural planning organization may provide to the commission recommendations concerning the selection of transportation projects, systems, or programs to be</u></p>	<p><u>planning.</u> <u>SECTION 2.05. Subchapter I, Chapter 201, Transportation Code, is amended by adding Section 201.712 to read as follows:</u> <u>Sec. 201.712. FUNDS FOR RURAL PLANNING ORGANIZATION. The department may use money in the state highway fund to fund the operations of a rural planning organization.</u></p> <p><u>Sec. 472.154. RURAL TRANSPORTATION PLANNING. (a) A rural planning organization shall:</u> <u>(1) establish regional transportation priorities, and prioritize and recommend to the department projects of regional significance in the boundaries of the area served by the organization; and</u> <u>(2) provide input to the department on projects involving the connectivity of the state highway system.</u> <u>(b) A rural planning organization may provide planning assistance as may be necessary to support regional transportation priorities.</u> <u>(b) A rural planning organization created by board resolution of a council of governments before the effective date of this Act that otherwise conforms to the requirements of this section is recognized as having been validly created under this Act.</u></p> <p><u>Sec. 201.623. RECOMMENDATIONS FROM RURAL PLANNING ORGANIZATION. A rural planning organization may make recommendations to the</u></p>	

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<p><u>Sec. 201.655. ALLOCATION AND DEPOSIT OF FUNDING. (a) The commission shall use the cash flow forecast under Section 201.654 to allocate funding to the planning organizations in accordance with Section 201.668.</u></p> <p><u>(b) The funds shall be deposited into subaccounts for each region in the state highway fund. The balance of the subaccount shall be carried forward from year to year for the benefit of the region.</u></p> <p><u>Sec. 201.656. 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.</u></p> <p><u>(b) The first four years of the plan shall be developed to meet the transportation improvement plan requirements of 23 U.S.C. Section 135.</u></p> <p><u>(c) The department shall compile the planning organizations' project selections to develop the statewide transportation plan in accordance with 23 U.S.C. Section 135.</u></p>	<p><u>of that odd-numbered year.</u></p> <p><u>(d) The department shall update the forecast more frequently as needed if significant changes in the department's funding occur.</u></p> <p>No equivalent provision.</p> <p><u>Sec. 201.983. PLANNING ORGANIZATION 10-YEAR PLAN. (a) Each planning organization shall develop a 10-year transportation plan that is consistent with the criteria and definitions adopted by the commission under Section 201.982.</u></p> <p><u>(b) The first four years of the plan shall be developed so as to comply with the transportation improvement plan requirements of federal law.</u></p> <p><u>(c) In developing the statewide transportation improvement plan in accordance with federal law, the department shall:</u></p> <p><u>(1) compile the metropolitan planning organizations' project selections; and</u></p> <p><u>(2) collaborate with the rural planning organizations.</u></p>	

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<p>Sec. 201.657. <u>COORDINATION BETWEEN PLANNING ORGANIZATIONS TO DEVELOP LONG-TERM PLANNING ASSUMPTIONS.</u> Planning organizations shall collaborate with one another and with the department to develop mutually acceptable assumptions for the purposes of long-range federal and state funding forecasts and use those assumptions to guide long-term planning.</p> <p>Sec. 201.658. <u>PLANNING ORGANIZATION PROJECT SELECTION AND PRIORITIZATION.</u> (a) Each metropolitan planning organization and rural planning organization shall, for the area in its boundaries, select projects and order them in priority. (b) For an area not located in the boundaries of a metropolitan planning organization or rural planning organization, the applicable department district shall: (1) select projects and order them in priority with input from municipal and county officials and transportation officials; and (2) submit the projects to the commission for final approval. (c) A metropolitan planning organization or rural planning organization may delegate authority to select</p>	<p>(d) <u>The department shall develop the statewide transportation improvement plan in accordance with federal law.</u></p> <p>Sec. 201.622. <u>COOPERATION WITH METROPOLITAN PLANNING ORGANIZATIONS TO DEVELOP LONG-TERM PLANNING ASSUMPTIONS.</u> The department and metropolitan planning organizations shall cooperate to develop mutually acceptable assumptions for the purposes of long-range federal and state funding forecasts that are consistent with the criteria established by the commission under Section 201.987 and use those criteria to guide long-range planning.</p> <p>Sec. 201.9835. <u>PROJECT PRIORITIZATION BY PLANNING ORGANIZATIONS.</u> (a) Each metropolitan planning organization shall, for the area in its boundaries, develop a prioritized list of transportation projects that is consistent with the criteria established by the commission under Section 201.987. Projects that are not considered by the department and the planning organization to be of an appropriate scale for individual identification in a given program year may be grouped by function, geographic area, or work type. (b) The department shall, with input from a rural planning organization, develop a prioritized list of transportation projects for the area in that rural planning organization's boundaries and submit the projects to the commission for final approval.</p>	

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<p><u>any category of projects and order them in priority to the applicable department district.</u></p> <p><u>Sec. 201.659. PROCESS FOR DEVELOPING PLANS AND PROGRAMS. The process for developing the plans and programs under this subchapter must:</u> <u>(1) provide for consideration of all modes of transportation;</u> <u>(2) be continuing, cooperative, and comprehensive to the extent appropriate, based on the complexity of the transportation problems to be addressed; and</u> <u>(3) give consideration to statewide connectivity of transportation services and infrastructure.</u></p> <p><u>Sec. 201.660. PLANNING ORGANIZATION LONG-RANGE PLAN. (a) A planning organization may also prepare and update periodically a long-range transportation plan for its region.</u> <u>(b) The first 10 years of the long-range plan shall be identical to the plan developed under Section 201.656.</u> <u>(c) Before approving a long-range transportation plan, a planning organization shall provide to residents in its boundaries, affected public agencies, and other interested parties a reasonable opportunity to comment on the long-</u></p>	<p><u>(c) For an area not located in the boundaries of a planning organization, the applicable department district shall:</u> <u>(1) develop a prioritized list of transportation projects with input from municipal and county officials and officials of local transportation entities; and</u> <u>(2) submit the transportation projects to the commission for final approval.</u></p> <p>No equivalent provision.</p> <p>No equivalent provision.</p>	

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<p><u>range transportation plan.</u> <u>(d) A planning organization shall make each of its long-range transportation plans readily available for public review and shall deliver each plan to the commission at the times and in the manner required by the commission.</u></p> <p><u>Sec. 201.661. PARTICIPATION IN PLAN DEVELOPMENT. (a) In developing a plan under this subchapter, a planning organization shall seek the opinions and assistance of the appropriate transportation officials.</u> <u>(b) As appropriate, the department and a metropolitan planning organization may enter into a memorandum of understanding relating to the planning of transportation services.</u> <u>(c) The department shall review the plans of each planning organization to ensure compliance with the requirements of 23 U.S.C. Section 135, and provide assistance to a planning organization to correct deficiencies.</u></p> <p><u>Sec. 201.662. PLANS TO BE FINANCIALLY CONSTRAINED. A plan under this subchapter must be financially constrained and identify transportation projects and projects for any other mode of transportation not included in Section 201.651(5).</u></p> <p><u>Sec. 201.663. PLAN ADJUSTMENTS. The commission shall adopt rules to allow a planning</u></p>	<p>No equivalent provision.</p> <p>No equivalent provision.</p> <p>No equivalent provision.</p>	

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<p><u>organization to move projects forward or delay projects if there are additional or less funds available than identified in the cash flow forecast under Section 201.654. Adjustments to the plan may not be made more than semiannually, unless there are substantial increases or decreases in available funding.</u></p> <p><u>Sec. 201.664. EVALUATION COMPONENT OF PLAN. A plan under this subchapter shall include a component, published annually, that describes the evaluation of transportation improvements based on performance measures, such as indices that measure delay reductions or travel time improvements. The planning organization shall consider the performance measures in selecting transportation improvements.</u></p> <p>No equivalent provision.</p>	<p>No equivalent provision.</p> <p><u>Sec. 201.985. DESIGNATION AND INFORMATION ON CONSTRUCTION OF MAJOR TRANSPORTATION PROJECTS. (a) The commission by rule shall:</u></p> <p><u>(1) establish criteria for designating a project as a major transportation project;</u></p> <p><u>(2) develop benchmarks for evaluating the progress of a major transportation project and timelines for implementation and construction of a major transportation project; and</u></p> <p><u>(3) determine which critical benchmarks must be met before a major transportation project may enter the implementation phase of the project development</u></p>	

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<p>No equivalent provision.</p> <p>Sec. 201.665. DEPARTMENT'S STATEWIDE TRANSPORTATION PROGRAM AND BUDGET. (a) The department shall use the planning organizations' project lists to create the statewide transportation program and budget. The statewide transportation</p>	<p><u>program.</u> <u>(b) The department shall annually update the list of projects that are designated as major transportation projects.</u> <u>(c) In adopting rules required by this section, the commission shall collaborate with local transportation entities.</u></p> <p>Sec. 201.986. PROGRAM PRIORITY CLASSIFICATIONS. (a) The commission by rule shall establish classifications in the project development program to designate the priority of each project included in the program and shall assign each project a classification. The classifications must include high, medium, and low priority levels. <u>(b) The department shall collaborate with local transportation entities when assigning each project included in the project development program to a classification established under Subsection (a).</u> <u>(c) In the selection of projects for implementation, priority shall be given to projects with the highest classification within each applicable program funding category described by Section 201.982(b)(2).</u></p> <p>Sec. 201.987. PROJECT SELECTION. (a) The commission by rule shall establish criteria for selection by the department and each planning organization of projects to be included in the statewide transportation plan. The criteria must be based on the commission's transportation</p>	

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<p><u>program and budget shall include at least:</u> <u>(1) the department's operating budget;</u> <u>(2) the official cash flow forecast under Section 201.654;</u> <u>(3) the regions' allocations of funds;</u> <u>(4) the projects selected by the planning organization under Section 201.658; and</u> <u>(5) the work plan required by Section 201.674.</u> <u>(b) The statewide transportation program and budget shall be complete and adopted not later than June 30 of each even-numbered year. The commission shall adopt rules to create a process for planning organizations to amend the plan from July 1 of each even-numbered year until August 31 of the following year. Amendments to the plan may only reorder projects identified in the same region subject to Section 201.663.</u></p> <p><u>Sec. 201.666. LENDING FUNDS BETWEEN PLANNING ORGANIZATIONS. (a) The commission may adopt rules to allow a planning organization to loan funds to another planning organization at the lending organization's discretion. Funds may be loaned under this section only to avoid the lapsing of federal appropriations authority.</u> <u>(b) The rules must allow the lending planning organization to have a senior position with regard to any future allocated funds of the borrowing planning</u></p>	<p><u>goals for the state and measurable targets for each goal.</u> <u>(b) The department shall collaborate with planning organizations in the development of the criteria for selection of projects.</u> <u>(c) The commission shall determine and approve the final selection of projects to be included in the statewide transportation plan.</u> <u>(d) The commission shall consider the prioritized list of transportation projects developed by metropolitan planning organizations operating in areas that are a transportation management area, as defined by 23 U.S.C. Section 134(k), for projects funded as congestion mitigation and air quality improvement projects, and metropolitan mobility or rehabilitation projects, unless the commission determines that a particular project's inclusion on or omission from the project list conflicts with or is inconsistent with federal law or a rule adopted under Subsection (a).</u></p> <p>No equivalent provision.</p>	

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<p><u>organization.</u></p> <p><u>(c) The lending planning organization may not charge interest on funds borrowed by another planning organization that exceed the current bond rate of outstanding state highway fund bonds or in the absence of outstanding debt the prevailing market rate for comparable municipal debt. The commission shall notify all districts of that rate.</u></p> <p><u>(d) A lending planning organization may not be penalized in its performance measures if it successfully negotiates a loan with another planning organization.</u></p> <p><u>(e) The commission may be involved in the coordination of a loan of funds under this section.</u></p> <p><u>Sec. 201.667. ORGANIZATION OF STATEWIDE TRANSPORTATION PROGRAM AND BUDGET. (a) The statewide transportation program and budget shall be organized first by region, then by mode of transportation, followed by the year of the project.</u></p> <p><u>(b) The summary tables of the statewide transportation program and budget shall summarize the statewide project cost by mode and then by year and shall be made available online in accordance with Section 201.807.</u></p> <p><u>Sec. 201.668. TRANSPORTATION ALLOCATION FUNDING FORMULA. (a) The commission shall adopt rules that create funding formulas for transportation projects. In developing the formulas the commission shall consider the input of planning</u></p>	<p>No equivalent provision.</p> <p><u>Sec. 201.988. FUNDING ALLOCATION. (a) The commission by rule shall establish formulas for allocating funds in each category described by Section 201.982(b)(2).</u></p> <p><u>(b) The commission shall update the formulas established</u></p>	

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<p><u>organizations, transportation officials, and county and municipal officials.</u></p> <p><u>(b) All funds received by the department for highways, including toll roads and toll road systems, that may be allocated in this state's or the department's discretion shall be allocated by a formula to each planning organization that is based on performance measures and includes at least the following criteria:</u></p> <p><u>(1) centerline miles;</u></p> <p><u>(2) level of congestion;</u></p> <p><u>(3) percentage of population below federal poverty level;</u></p> <p><u>(4) population;</u></p> <p><u>(5) safety; and</u></p> <p><u>(6) vehicle miles traveled.</u></p> <p><u>(c) The commission shall allocate to the planning organizations funding for the project costs of all transportation projects. The commission shall adopt various formulas for the different types of transportation projects, including funding for statewide connectivity projects. The commission shall adopt rules for all transportation formulas.</u></p> <p><u>Sec. 201.669. USE OF ALLOCATED FUNDS. The funds allocated to a planning organization under Section 201.668 may be used to:</u></p> <p><u>(1) pay project costs, provide toll equity, or make</u></p>	<p><u>under this section every five years or more frequently as necessary.</u></p> <p><u>Sec. 201.9882. LIMITATION ON COMMISSION ALLOCATION OF FUNDS. (a) The commission or the department may not require that a toll project be included in a regional mobility plan as a condition for the allocation of funds for the construction of projects in the region.</u></p> <p><u>(b) The commission or the department may not:</u></p> <p><u>(1) revise the formula as provided in the department's project development program, or its successor document, in a manner that results in a decrease of a department district's allocation because of:</u></p> <p><u>(A) the failure of a region to include toll projects in a regional mobility plan; or</u></p> <p><u>(B) participation by a political subdivision in the funding of a transportation project in the region, including the use of money collected in a transportation reinvestment zone under Sections 222.106 and 222.107; or</u></p> <p><u>(2) take any other action that would reduce funding allocated to a department district because of the failure of a region to include toll projects in a regional mobility plan.</u></p> <p><u>Sec. 201.9884. FUND DISTRIBUTION. (a) The department shall allocate funds to the department districts based on the formulas adopted under Section 201.988.</u></p> <p><u>(b) In distributing funds to department districts, the</u></p>	

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<p><u>payments under a pass-through toll agreement, for transportation projects selected by the planning organization;</u> <u>(2) pay debt service;</u> <u>(3) repay money borrowed from another region; or</u> <u>(4) fund a planning organization's operations under Section 201.672.</u></p> <p><u>Sec. 201.670. SURPLUS REVENUE AND CONTRACT PAYMENTS NOT ALLOCATED BY FORMULA. (a) Revenue from Sections 228.005, 228.0055, and 228.006 shall be allocated in accordance with Subchapter B, Chapter 228.</u> <u>(b) Funds associated with toll projects under Chapter 228 are not considered revenue allocated by a formula under Section 201.668.</u></p> <p><u>Sec. 201.671. ENCUMBRANCE OF ALLOCATED FUNDS. (a) The allocation of funds shall be encumbered in an amount equal to the engineer's estimate of the project cost and reduced by the actual project cost at the time payments associated with the project are paid.</u> <u>(b) If a planning organization elects to use bond proceeds to advance a project, the allocation of funds shall be encumbered by the annual cost of debt service and reduced when debt service payments are paid.</u></p> <p><u>Sec. 201.672. USE OF ALLOCATED FUNDS FOR</u></p>	<p><u>department may not exceed the cash flow forecast prepared and published under Section 201.984(c).</u></p> <p>No equivalent provision.</p> <p>No equivalent provision.</p> <p>No equivalent provision.</p>	

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<p><u>OPERATING COSTS OF PLANNING ORGANIZATION.</u> (a) A metropolitan planning organization operating in a transportation management area as defined by 23 U.S.C. Section 134(k) may use the allocated funds to pay for the operations costs of the planning organization. The amount that may be allocated to pay for the operations of the planning organization may not exceed the lesser of \$10 million or 10 percent of the planning organization's total funds.</p> <p>(b) A metropolitan planning organization operating in an area that is not a transportation management area may use the allocated funds to pay for the operations costs of the planning organization. The amount that may be allocated to pay for the operations of the planning organization may not exceed the lesser of \$3 million or 10 percent of the planning organization's total funds.</p> <p>(c) A rural planning organization may use the allocated funds to pay for the operations costs of the planning organization. The amount that may be allocated to pay for the operations of the planning organization may not exceed the lesser of \$1 million or 10 percent of the planning organization's total allocated funds.</p> <p><u>Sec. 201.673. COMMISSION EMERGENCY AND ECONOMIC DEVELOPMENT FUNDS.</u> (a) Notwithstanding Section 201.655(b), the commission may annually set aside an amount of funds not to exceed the lesser of 10 percent of the total funds allocated to all districts or \$250 million for the purpose of addressing</p>	<p>No equivalent provision.</p>	

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<p><u>emergencies or economic development opportunities that require transportation infrastructure. The funds may be carried forward from year to year but may not accumulate to more than \$1 billion.</u></p> <p><u>(b) If the commission elects to set aside an amount of funds under Subsection (a), the total amount of funds available for allocation shall be reduced by the amount set aside before the allocation of funds by the formula.</u></p> <p><u>(c) The funds shall be encumbered in an amount equal to the engineer's estimate of the project cost and reduced by the actual project cost at the time payments associated with the project are paid.</u></p> <p><u>(d) The commission may use funds set aside under this section for emergency and economic development opportunities that require transportation infrastructure in the same manner a planning organization may use money allocated under Section 201.669.</u></p> <p><u>(e) If the commission elects to use bond proceeds to advance a project, the funds shall be encumbered by the annual cost of debt service and reduced when debt service payments are paid.</u></p> <p><u>(f) The funds set aside under Subsection (a) may be used to pay cost overruns and change orders only for projects selected by the commission under this section.</u></p> <p><u>(g) The commission may use the funds set aside under Subsection (a) to make payments for projects funded in accordance with Section 222.104 or to provide toll equity only if the commission selects the projects using a competitive project selection process.</u></p>		

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<p><u>Sec. 201.674. DEPARTMENT 10-YEAR BUSINESS WORK PLAN. On completion of the 10-year transportation plan in Section 201.656, the department shall use the prioritized lists of projects to develop a proposed 10-year business work plan. The work plan shall be adopted not later than August 31 of each even-numbered year and include:</u></p> <p><u>(1) a list of projects for which planning, permitting, design, right-of-way acquisition, or construction work will be conducted during the period;</u></p> <p><u>(2) the state fiscal quarter in which key milestones for each project will be reached, including environmental clearance, completion of final engineering plans, completion of right-of-way acquisition, letting to contract, and completion of construction; and</u></p> <p><u>(3) the funding allocated or estimated in each state fiscal year for each category of work for each project.</u></p> <p><u>Sec. 201.675. WORK PROGRAM. (a) Each department district shall develop a consistently formatted work program based on the department 10-year business work plan covering a period of four years that contains all projects that the district proposes to implement during that period.</u></p> <p><u>(b) The department shall use the work program to:</u></p> <p><u>(1) monitor the performance of the district; and</u></p> <p><u>(2) evaluate the performance of district employees.</u></p> <p><u>(c) The department shall publish the work program in appropriate media and on the department's Internet</u></p>	<p><u>Sec. 201.982. PROJECT DEVELOPMENT PROGRAM.</u></p> <p><u>(a) The department shall develop a project development program that covers a period of 10 years to guide the development of and authorize construction of transportation projects. The program must:</u></p> <p><u>(1) estimate funding levels for each year; and</u></p> <p><u>(2) list all projects and programs that the department intends to develop or begin construction of during the program period.</u></p> <p><u>(b) The commission by rule shall:</u></p> <p><u>(1) specify the criteria for selecting projects to be included in the program as provided in Section 201.987;</u></p> <p><u>(2) define program funding categories, including categories for safety, bridge, maintenance, and mobility; and</u></p> <p><u>(3) define each phase of a major transportation project, including the planning, design, and construction phases.</u></p> <p><u>(c) The department shall publish the entire project development program and summary documents highlighting project benchmarks, priorities, and forecasts in appropriate media and on the department's Internet website.</u></p> <p><u>(d) In developing the rules required by this section, the commission shall cooperate with local transportation entities.</u></p>	

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<p>projects. (d) <u>The commission shall adopt the statewide connectivity plan.</u></p> <p><u>Sec. 201.677. PAVEMENT MANAGEMENT INFORMATION SYSTEM. (a) The department shall measure the condition of the pavement for each highway under the jurisdiction of the department.</u> <u>(b) The department shall establish a system that makes the information collected under Subsection (a) available to the planning organizations for use in determining transportation projects.</u></p> <p><u>Sec. 201.678. FINALIZED BIENNIAL PROJECT PLAN. In addition to the plan required by Section 201.674 and other provisions of this chapter, not later than August 31 of each odd-numbered year, the department shall finalize a project plan for the period that begins on September 1 of that year and ends on August 31 of the following odd-numbered year. The plan must include:</u> <u>(1) a project schedule with funding for each phase of each project;</u> <u>(2) a consultant acquisition plan with a schedule for contract selections;</u> <u>(3) a right-of-way acquisition plan; and</u> <u>(4) a letting plan.</u></p>	<p>No equivalent provision.</p> <p><u>Sec. 201.989. DEPARTMENT FOUR-YEAR BUSINESS WORK PLAN. (a) Each department district shall develop a consistently formatted work plan for the following four years that is based on the project development program and contains all projects and project categories that the district plans to implement during that period.</u> <u>(b) The work plan must contain for each project and project category:</u> <u>(1) a project schedule with funding for each phase of development;</u> <u>(2) a right-of-way acquisition plan;</u> <u>(3) a letting plan; and</u> <u>(4) a summary of the progress on the project and project category.</u> <u>(c) The department shall use the work plan to:</u> <u>(1) monitor the performance of the district; and</u></p>	

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<p><u>Sec. 201.679. PERFORMANCE MEASURES FOR BIENNIAL PROJECT PLAN. (a) The department shall develop a set of performance measures for the plan under Section 201.678 intended to measure:</u></p> <ul style="list-style-type: none"> <u>(1) the execution of the work program;</u> <u>(2) the efficiency and cost-effectiveness of its business practices;</u> <u>(3) the preservation of the system investment;</u> <u>(4) the addition of new capacity to the system;</u> <u>(5) safety initiatives; and</u> <u>(6) utilization of minority, disadvantaged, and small businesses.</u> <p><u>(b) At a minimum, the performance measures adopted under Subsection (a) must include:</u></p> <ul style="list-style-type: none"> <u>(1) the percentage of projects for which environmental clearance is obtained on or before the planned date;</u> <u>(2) the number of engineering contracts or work orders executed in contrast with the number planned;</u> <u>(3) the average time between selection and execution of a contract for engineering services;</u> <u>(4) the number of right-of-way parcels acquired and the number scheduled to be acquired;</u> <u>(5) the percentage of projects for which right-of-way</u> 	<p><u>(2) evaluate the performance of district employees.</u></p> <p><u>(d) The department shall consolidate the districts' work plans into a statewide work plan and publish it in appropriate media and on the department's Internet website.</u></p> <p><u>Sec. 201.9892. PERFORMANCE MEASURES FOR WORK PLAN. (a) The department shall develop a set of performance measures for the plan under Section 201.989 intended to measure:</u></p> <ul style="list-style-type: none"> <u>(1) the execution of the work program;</u> <u>(2) the efficiency and cost-effectiveness of its business practices;</u> <u>(3) the preservation of the system investment;</u> <u>(4) the addition of new capacity to the system;</u> <u>(5) safety initiatives; and</u> <u>(6) use of minority, disadvantaged, and small businesses.</u> <p><u>(b) At a minimum, the performance measures adopted under Subsection (a) must include:</u></p> <ul style="list-style-type: none"> <u>(1) the percentage of projects for which environmental clearance is obtained on or before the planned implementation timelines;</u> <u>(2) the percentage of projects for which right-of-way acquisition is completed on or before the planned implementation timelines;</u> <u>(3) the total amount spent for right-of-way as a percentage of the original estimated amount;</u> <u>(4) the percentage of highway improvement contracts executed on or before the planned implementation</u> 	

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<p>acquisition is completed on or before the planned date; <u>(6) the percentage of parcels acquired through negotiation;</u> <u>(7) the percentage of negotiated parcels acquired for an amount that does not exceed 120 percent of the initial department offer;</u> <u>(8) the total amount spent for right-of-way as a percentage of the original estimated amount;</u> <u>(9) the number of construction contracts entered into in contrast with the number planned;</u> <u>(10) the percentage of construction contracts executed on or before the planned letting date;</u> <u>(11) the total amount spent for construction contracts as a percentage of the original estimated amount;</u> <u>(12) for all construction contracts completed during the state fiscal year, the percentage completed within 20 percent of the original contract time;</u> <u>(13) for all construction contracts completed during the state fiscal year, the percentage completed within 10 percent of the original contract price;</u> <u>(14) construction contract adjustments as a percentage of original contract price;</u> <u>(15) the percentage of bridge structures on the state highway system that have a rating of good or excellent;</u> <u>(16) the percentage of bridge structures on the state highway system that have a posted weight limitation;</u> <u>(17) the number of bridge repair contracts let in contrast with the number planned;</u> <u>(18) the number of bridge replacement contracts let in</u></p>	<p><u>timelines for letting;</u> <u>(5) for all highway improvement contracts completed during the state fiscal year, the percentage completed within 20 percent of the original contract time;</u> <u>(6) for all highway improvement contracts completed during the state fiscal year, the percentage completed within 10 percent of the original contract price;</u> <u>(7) for all highway improvement contracts completed during the state fiscal year, the percentage of the total contract adjustments as a percentage of the total original contract price;</u> <u>(8) of the federal funds subject to forfeiture at the end of the state fiscal year, the percentage that was committed by the department;</u> <u>(9) the amounts of cash receipts and disbursements in contrast with the forecasted amounts;</u> <u>(10) the amount obligated to be spent in connection with contracts or participation in contracts with minority, disadvantaged, and small business enterprises as a percentage of the amount spent on all contracts;</u> <u>(11) the peak hour travel congestion in the eight largest metropolitan areas in contrast with previous state fiscal years; and</u> <u>(12) the number of vehicle miles traveled in contrast with previous state fiscal years.</u> <u>(c) The department shall consult with the Transportation Legislative Oversight Committee in developing the performance measures under Subsection (a). This subsection expires August 31, 2013.</u></p>	

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<p><u>contrast with the number planned;</u> <u>(19) the percentage of lane miles on the state highway system that have a pavement condition rating of excellent or good;</u> <u>(20) the number of lane miles on the state highway system that were resurfaced in contrast with the number planned;</u> <u>(21) the number of lane miles of capacity improvement projects let in contrast with the number planned;</u> <u>(22) of the federal funds subject to forfeiture at the end of the state fiscal year, the percentage that was committed by the department;</u> <u>(23) the amounts of cash receipts and disbursements in contrast with the forecasted amounts;</u> <u>(24) the amount spent in connection with contracts with minority business enterprises as a percentage of the amount spent on all contracts;</u> <u>(25) the number of construction contracts let in contrast with the number let in previous state fiscal years;</u> <u>(26) the peak hour travel congestion in the seven largest metropolitan areas in contrast with previous state fiscal years;</u> <u>(27) the number of vehicle miles traveled in contrast with previous state fiscal years; and</u> <u>(28) the number of lane miles added as a percentage of the number of previously existing lane miles.</u> <u>(c) The department shall consult with the Transportation Legislative Oversight Committee in developing the performance measures under Chapter 205. This</u></p>		

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<p>subsection expires August 31, 2013.</p> <p><u>Sec. 201.680. PERFORMANCE REVIEW. Not later than December 1 of each odd-numbered year, the commission shall review the performance of the department's duties under Section 201.678 and make the review available to the public. The review must include a report on the level of achievement of each performance measure listed in Section 201.679(a), statewide and by department district, and a status report on each major project under development.</u></p>	<p><u>Sec. 201.9895. PERFORMANCE REVIEW. Not later than December 1 of each odd-numbered year, the commission shall review the performance of the department's activities described in Section 201.989 and make the review available to the public. The review must include a report on the level of achievement of each performance measure listed in Section 201.9892(a), statewide and by department district, and a status report on each major transportation project under development.</u></p>	
<p>No equivalent provision.</p>	<p>SECTION ____. Sections 201.710(c), 227.034(a), 228.0055(c), 228.006(b), 228.117, 362.902, and 366.407(c), Transportation Code, are amended to replace references to the Unified Transportation Program with Project Development Program or its successor document.</p>	
<p>No equivalent provision.</p>	<p>SECTION 2.04. Sec. 201.617(a), Transportation Code is amended to authorize TxDOT to transfer any interest in certain real property to an appropriate public agency or private entity, as authorized by the regulatory authority that requires the mitigation, with or without monetary consideration if the property is to be used for mitigation purposes.</p>	
<p>SECTION 2.03. Subchapter J, Chapter 201,</p>	<p>SECTION 2.06. (a) Subchapter J, Chapter 201,</p>	

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<p>Transportation Code, is amended by adding Sections 201.807, 201.808, and 201.809 to read as follows: <u>Sec. 201.807. PROJECT INFORMATION REPORTING SYSTEM. (a) The department shall establish a project information reporting system that makes available in a central location on the department's Internet website easily accessible and searchable information to enable the tracking of project development and the expenditure of funds in the department's statewide transportation program and budget. The project information reporting system shall contain information about:</u> <u>(1) each project, including:</u> <u>(A) the status of the project;</u> <u>(B) each source of funding for the project;</u> <u>(C) benchmarks for evaluating the progress of the project;</u> <u>(D) timelines for completing the project;</u> <u>(E) a list of the department employees responsible for the project, including information to contact each person on that list; and</u> <u>(F) the results of the annual review required under Subsection (e);</u> <u>(2) each construction work zone for a project that has a construction phase timeline that exceeds one month or the cost of which exceeds \$5 million, including information about:</u> <u>(A) the number of lanes that will remain open during the project's construction phase;</u></p>	<p>Transportation Code, is amended by adding Sections 201.8005, 201.807, 201.808, 201.809, 201.810, and 201.811 to read as follows: <u>Sec. 201.8005. DEFINITION. In this subchapter, "transportation project" has the meaning assigned by Section 201.981.</u> <u>Sec. 201.807. PROJECT INFORMATION REPORTING SYSTEM. (a) The department shall establish a project information reporting system that makes available in a central location on the department's Internet website information regarding all of the department's transportation projects contained in the project development program required by Section 201.982 or under construction. The information must be easily accessible, understandable, and searchable. The project information reporting system must contain:</u> <u>(1) information about each of the department's transportation projects included in the project development program, including:</u> <u>(A) the status of the project;</u> <u>(B) each source of funding for the project;</u> <u>(C) benchmarks for evaluating the progress of the project;</u> <u>(D) timelines for completing the project;</u> <u>(E) a list of the department employees responsible for the project, including information as to how each person on that list may be contacted; and</u> <u>(F) the results of the annual review required by Subsection (d);</u> <u>(2) a representational color-coded map showing the</u></p>	

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<p><u>(B) the location and duration of each lane closure; and</u> <u>(C) the expected traffic delay resulting from each lane closure;</u> <u>(3) road maintenance projects, including:</u> <u>(A) the criteria for designating a project as a road maintenance project; and</u> <u>(B) the condition of each road before the road maintenance project; and</u> <u>(4) the department's funds, including each source for the department's funds and each expenditure made by the department reported by each:</u> <u>(A) department district;</u> <u>(B) program funding category; and</u> <u>(C) type of revenue, including revenue from a comprehensive development agreement or a toll project.</u> <u>(b) The department shall develop an interactive web-based system for the tracking of planning organization allocations and projects under Subchapter H-1. The planning organizations shall be granted access to the system through a secure site to input information regarding projects and the associated project costs. The system shall provide the planning organization information regarding the organization's allocation of funding for the region and the federal and state requirements for each source of funding.</u> <u>(c) In developing the project information reporting system, the department shall collaborate with:</u> <u>(1) the legislature;</u> <u>(2) planning organizations, as defined by Section</u></p>	<p><u>location of the transportation projects and containing the information described by Subdivision (1);</u> <u>(3) each construction work zone for a transportation project under construction that has a total construction timeline that exceeds six months or the cost of which exceeds \$5 million, including information about:</u> <u>(A) the number of lanes that will remain open during the project's construction phase;</u> <u>(B) the location and duration of each lane closure; and</u> <u>(C) the expected traffic delay resulting from each lane closure;</u> <u>(4) road maintenance transportation projects that are planned or under construction, including the condition of each road before the road maintenance transportation project; and</u> <u>(5) each fund source for the department's funds and all expenditures made by the department, for each of the department's transportation projects, reported by:</u> <u>(A) department district;</u> <u>(B) program funding category as required by Section 201.982(b)(2); and</u> <u>(C) type of revenue, including revenue from a comprehensive development agreement or a toll project.</u> <u>(b) In developing the project information reporting system, the department shall collaborate with:</u> <u>(1) the Transportation Legislative Oversight Committee;</u> <u>(2) local transportation entities as defined by Section 201.981; and</u> <u>(3) members of the general public.</u></p>	

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<p><u>201.651; and</u> <u>(3) members of the public.</u> <u>(d) The department shall make the statistical information provided under this section available on the department's Internet website in more than one downloadable electronic format.</u> <u>(e) As a component of the project information reporting system required by this section, the department shall conduct an annual review of the benchmarks and timelines of each project included in the department's statewide transportation program and budget to determine the completion rates of the projects and whether the projects were completed on time.</u> <u>(f) The department shall continuously update the information contained in the project information reporting system.</u></p> <p><u>Sec. 201.808. TRANSPORTATION EXPENDITURE PRIORITIES. (a) The department shall develop a process to identify and distinguish between the transportation projects that are required to maintain the state infrastructure and the transportation projects that would improve the state infrastructure.</u> <u>(b) The department shall establish a transportation expenditure reporting system that makes available in a central location on the department's Internet website easily accessible and searchable information regarding the priorities of transportation expenditures for the identified transportation projects.</u></p>	<p><u>(c) The department shall make the statistical information provided under this section available on the department's Internet website in more than one downloadable electronic format.</u> <u>(d) As a component of the project information reporting system required by this section, the department shall conduct an annual review of the benchmarks and timelines of each transportation project included in the department's project development program, to determine the completion rates of the projects and whether the projects were completed on time.</u> <u>(e) The department shall update the information contained in the project information reporting system at least quarterly and the representational map at least annually.</u></p> <p><u>Sec. 201.808. TRANSPORTATION PROJECT AND PERFORMANCE REPORTS. (a) The department shall develop a process to identify and distinguish between the transportation projects that are required to maintain the state infrastructure and the transportation projects that would improve the state infrastructure in a manner consistent with the statewide transportation plan required by Section 201.601.</u> <u>(b) The department shall establish a transportation project and performance reporting system that makes available in a central location on the department's Internet website easily accessible and searchable information regarding the</u></p>	

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<p><u>(c) The department shall include in the transportation expenditure reporting system:</u></p> <p><u>(1) reports prepared by the department or an institution of higher education that evaluate the effectiveness of the department's expenditures on transportation projects;</u></p> <p><u>(2) information about the condition of the pavement for each highway under the jurisdiction of the department, including:</u></p> <p><u>(A) the international roughness index issued by the United States Department of Transportation Federal Highway Administration; and</u></p> <p><u>(B) the percentage of pavement that the department determines to be in good or better condition;</u></p> <p><u>(3) the condition of bridges, including information about:</u></p> <p><u>(A) bridges that are structurally deficient or functionally obsolete; and</u></p> <p><u>(B) bridge deterioration scores;</u></p> <p><u>(4) information about traffic congestion and traffic delays, including:</u></p> <p><u>(A) the locations of the worst traffic delays;</u></p> <p><u>(B) the variable travel time for major streets and highways in this state; and</u></p> <p><u>(C) the effect of traffic congestion on motor vehicle travel and motor carriers; and</u></p> <p><u>(5) information about the number of traffic accidents, injuries, and fatalities, including a list of the locations in each department district for the highest number of traffic accidents, injuries, or fatalities.</u></p>	<p><u>priority classifications established under Section 201.986 and the assignment of the identified transportation projects in the classifications.</u></p> <p><u>(c) The department shall include in the transportation project and performance reporting system:</u></p> <p><u>(1) a list of the most significant transportation problems in each department district as described by the statewide transportation plan developed under Section 201.601, including the component required by Section 201.601(c);</u></p> <p><u>(2) reports prepared by the department or an institution of higher education that evaluate the effectiveness of the department's expenditures on transportation projects to achieve the transportation goals;</u></p> <p><u>(3) information about the condition of the pavement for each segment of the state highway system, including:</u></p> <p><u>(A) the international roughness index issued by the United States Department of Transportation Federal Highway Administration; and</u></p> <p><u>(B) the percentage of pavement that the department determines to be in good or better condition;</u></p> <p><u>(4) the condition of bridges, including information about:</u></p> <p><u>(A) the number of on-system and off-system bridges that are structurally deficient or functionally obsolete; and</u></p> <p><u>(B) the percentage of bridges that the department determines to be in good or better condition;</u></p> <p><u>(5) information about traffic congestion and traffic delays, including:</u></p> <p><u>(A) the locations of the worst metropolitan traffic delays;</u></p> <p><u>(B) the variable travel time for major freeways and</u></p>	

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<p><u>(d) The department shall provide the information made available under Subsection (c) in a format that allows a person to conduct electronic searches for information regarding a specific county, highway under the jurisdiction of the department, or class of road.</u></p> <p><u>(e) Each department district or planning organization, as that term is defined by Section 201.651, shall enter information into the transportation expenditure reporting system, including information about each project and the priority of each project.</u></p> <p><u>(f) The transportation expenditure reporting system shall allow a person to compare information produced by that system to information produced by the project information reporting system.</u></p> <p><u>Sec. 201.809. DEPARTMENT INFORMATION CONSOLIDATION. To the extent practicable and to avoid duplication of reporting requirements, the department may combine the reports required under this subchapter with reports required under other provisions</u></p>	<p><u>highways in the metropolitan areas of this state; and</u></p> <p><u>(C) the effect of traffic congestion on motor vehicle travel and motor carriers; and</u></p> <p><u>(6) information about the number of traffic accidents, injuries, and fatalities, including the geographic locations in each department district for the highest number of traffic accidents, injuries, or fatalities.</u></p> <p><u>(d) The department shall provide the information made available under Subsection (c) in a format that allows a person to conduct electronic searches for information about a specific county, a highway under the jurisdiction of the department, or a type of road.</u></p> <p><u>(e) Each department district shall enter information into the transportation project and performance reporting system, including information about:</u></p> <p><u>(1) each district transportation project; and</u></p> <p><u>(2) the priority classification to which the project has been assigned according to Section 201.986.</u></p> <p><u>(f) The transportation project and performance reporting system must allow a person to compare information produced by that system to information produced by the project information reporting system under Section 201.807.</u></p> <p><u>Sec. 201.811. DEPARTMENT INFORMATION CONSOLIDATION. (a) To the extent practicable and to avoid duplication of reporting requirements, the department may combine the reports required under this subchapter with reports required under other provisions of</u></p>	

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<p>of this code.</p> <p>No equivalent provision.</p> <p>No equivalent provision.</p>	<p><u>this code.</u></p> <p><u>(b) The department shall develop a central location on the department's Internet website that provides easily accessible and searchable information to the public contained in the reports required under this subchapter and other provisions of this code.</u></p> <p><u>Sec. 201.808. TRANSPORTATION PROJECT AND PERFORMANCE REPORTS. (g) The transportation project and performance reporting system established under Subsection (b) must include:</u></p> <p><u>(1) information relating to each source of the department's funds, including the identification of revenue from each comprehensive development agreement or toll project; and</u></p> <p><u>(2) information relating to all expenditures of the department by type of expenditure, as described in the comptroller's statewide accounting system, and reported for all applicable organizational groups and categories, including:</u></p> <p><u>(A) the entire department;</u></p> <p><u>(B) each department division;</u></p> <p><u>(C) each department district; and</u></p> <p><u>(D) each program funding category for project expenses.</u></p> <p><u>Sec. 201.809. STATEWIDE TRANSPORTATION REPORT. (a) The department annually shall evaluate and publish a report about the status of each transportation goal for this state. The report must include:</u></p> <p><u>(1) information about the progress of each long-term</u></p>	

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	<p><u>transportation goal that is identified by the statewide transportation plan;</u></p> <p><u>(2) the status of each project identified as a major project under Section 201.985;</u></p> <p><u>(3) a summary of the number of statewide project implementation benchmarks that have been completed;</u> <u>and</u></p> <p><u>(4) information about the accuracy of previous department financial forecasts.</u></p> <p><u>(b) The department shall disaggregate the project information in the report by department district.</u></p> <p><u>(c) The department shall make available a copy of the reports for department districts in a legislative district to each member of the legislature, and at the request of a member, a senior management employee shall meet with the member to explain the report.</u></p> <p><u>(d) The department shall provide a copy of each district report to the political subdivisions located in the department district that is the subject of the report, including:</u></p> <p><u>(1) a municipality;</u></p> <p><u>(2) a county; and</u></p> <p><u>(3) a local transportation entity as defined by Section 201.981.</u></p> <p><u>(e) The department shall provide a copy of the complete report to the lieutenant governor, the speaker of the house of representatives, and the chair of the standing committee of each house of the legislature with primary jurisdiction over transportation issues.</u></p>	

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<p>No equivalent provision.</p>	<p>Sec. 201.810. <u>SEPARATE SUBACCOUNT REPORTING.</u> (a) <u>The department shall develop an account information reporting system that makes available on the department's Internet website for viewing and downloading by interested persons the tracking of each separate subaccount in the state highway fund required by law, including Chapter 228. The account information must include:</u> <u>(1) the source and amount of the deposited funds and the date of deposit;</u> <u>(2) identification by location and highway designation of the projects or systems to which the funds are allocated;</u> <u>and</u> <u>(3) the amount, general type or purpose, and date of expenditures from the account.</u> <u>(b) The department shall update the account information reporting system at least quarterly.</u> (b) Not later than September 1, 2009, the Texas Department of Transportation shall establish the central location on the department's Internet website required by Sections 201.807 and 201.808, Transportation Code, as added by this section.</p>	
<p>SECTION 2.04. Section 222.034, Transportation Code, is amended to require the Transportation Commission to consider emergency evacuation routes from nuclear power plants for funding if federal funds become available for emergency evacuation routes. <i>(House</i></p>	<p>No equivalent provision.</p>	

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<i>Second Reading Amendment 95 by Sid Miller, and amendment-to-the-amendment 96)</i>		
SECTION 2.05. Section 222.034(b), Transportation Code, is amended to require the Transportation Commission, if it intends to vary from the established distribution procedure for federal funds, to allocate the funding in accordance with a transportation allocation funding formula adopted under the bill's provisions.	No equivalent provision.	
No equivalent provision.	SECTION 2.09. (a) The Texas Transportation Commission shall adopt the rules required by this article as soon as practicable but not later than March 1, 2010. (b) Each planning organization, as defined by Section 201.981, Transportation Code, as added by this article, shall develop its first 10-year transportation plan in accordance with Section 201.983, Transportation Code, as added by this article, not later than March 1, 2011. (c) The Texas Department of Transportation shall develop the programs and plans required under Subchapter P, Chapter 201, Transportation Code, as added by this article, as soon as practicable but not later than December 1, 2010.	
SECTION 2.06. Section 222.103, Transportation Code, is amended by adding new subsection (i) to read as follows: <u>(i) In providing financial assistance for toll projects, the commission shall give priority to providing financial</u>	No equivalent provision.	

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<p><u>assistance to public entities in the development, financing, construction and operation of toll projects by the public entity under Section 228.011, Section 228.0111 or Chapter 373.</u></p>		
<p>SECTION 2.07. Section 222.105, Transportation Code, is amended to read as follows: Sec. 222.105. PURPOSES. The purposes of Sections 222.106 and 222.107 are to: (1) promote public safety; (2) facilitate the <u>improvement</u>, development, or redevelopment of property; (3) facilitate the movement of traffic; and (4) enhance a local entity's ability to sponsor a <u>transportation</u> project authorized under Section 222.104.</p>	<p>SECTION 25.01. Section 222.105, Transportation Code, is amended to read as follows: Sec. 222.105. PURPOSES. The purposes of Sections 222.106 and 222.107 are to: (1) promote public safety; (2) facilitate the <u>improvement</u>, development, or redevelopment of property; (3) facilitate the movement of traffic; and (4) enhance a local entity's ability to sponsor a <u>transportation</u> project authorized under Section 222.104; <u>and</u> (5) <u>enhance a municipality's ability to provide for freight or passenger rail facilities or systems.</u></p>	
<p>SECTION 2.08. Section 222.106, Transportation Code, is amended by amending Subsections (b), (c), (g), (h), (i), (j), (k), and (l) and adding Subsections (i-1) and (i-2) to read as follows: (b) This section applies only to a municipality <u>in which a transportation project is to be developed</u> [the governing body of which intends to enter into an agreement with the department] under Section 222.104. (c) If the governing body determines an area to be unproductive and underdeveloped and that action under</p>	<p>SECTION 25.02. Section 222.106, Transportation Code, is amended by amending Subsections (b), (c), (g), (h), (i), (j), (k), and (l) and adding Subsections (i-1), (i-2), (l-1), and (m) to read as follows: (b) This section applies only to a municipality <u>in which a transportation project is to be developed or the governing body of which intends to acquire, construct, improve, or operate a freight or passenger rail facility or system, including commuter rail, intercity rail, high-speed rail, and tri-track</u> [enter into an agreement with the department]</p>	

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<p>this section will further the purposes stated in Section 222.105, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote a transportation project [described by Section 222.104 that cultivates development or redevelopment of the area].</p> <p>(g) The ordinance designating an area as a transportation reinvestment zone must:</p> <p>(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;</p> <p>(2) provide that the zone takes effect immediately on passage of the ordinance;</p> <p>(3) assign a name to the zone for identification, with the first zone designated by a municipality designated as "Transportation Reinvestment Zone Number One, (City or Town, as applicable) of (name of municipality)," and subsequently designated zones assigned names in the same form, numbered consecutively in the order of their designation;</p> <p>(4) <u>designate the base year for purposes of establishing the tax increment base of the municipality;</u></p> <p>(5) establish an ad valorem tax increment account for the zone; and</p> <p>(6) [(5)] contain findings that promotion of the transportation project will cultivate <u>the improvement, development, or redevelopment of the zone.</u></p> <p>(h) From taxes collected on property in a zone, the</p>	<p>under Section 222.104.</p> <p>(c) If the governing body determines an area to be unproductive and underdeveloped and that action under this section will further the purposes stated in Section 222.105, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote:</p> <p><u>(1) a transportation project; or</u></p> <p><u>(2) the acquisition, construction, improvement, or operation of a freight or passenger rail facility or system by the municipality [described by Section 222.104 that cultivates development or redevelopment of the area].</u></p> <p>(g) The ordinance designating an area as a transportation reinvestment zone must:</p> <p>(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;</p> <p>(2) provide that the zone takes effect immediately on passage of the ordinance;</p> <p>(3) assign a name to the zone for identification, with the first zone designated by a municipality designated as "Transportation Reinvestment Zone Number One, (City or Town, as applicable) of (name of municipality)," and subsequently designated zones assigned names in the same form, numbered consecutively in the order of their designation;</p> <p>(4) <u>designate the base year for purposes of establishing the tax increment base of the municipality;</u></p>	

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<p>municipality shall pay into the tax increment account for the zone [an amount equal to] the tax increment produced by the municipality, <u>less any amount allocated under previous agreements, including agreements under Chapter 380, Local Government Code, or Chapter 311, Tax Code.</u></p> <p><u>(i) All or the portion specified by the municipality of the money deposited to a tax increment account must be used to fund the transportation project for which the zone was designated, as well as aesthetic improvements within the zone. Any remaining money deposited to the tax increment account may be used for other purposes as determined by the municipality</u> [Money deposited to a tax increment account must be used to fund projects authorized under Section 222.104, including the repayment of amounts owed under an agreement entered into under that section].</p> <p><u>(i-1) The governing body of a municipality may contract with a public or private entity to develop, redevelop, or improve a transportation project in a transportation reinvestment zone and may pledge and assign all or a specified amount of money in the tax increment account to that entity. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the governing body of the municipality may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge</u></p>	<p><u>(5) establish an ad valorem tax increment account for the zone; [and]</u></p> <p><u>(6) [(5)] contain findings that promotion of the transportation project will cultivate <u>the improvement, development, or redevelopment of the zone; and</u></u></p> <p><u>(7) for a zone intended to promote the acquisition, construction, improvement, or operation of a freight or rail facility or system, provide for a date for termination of the zone.</u></p> <p><u>(h) From taxes collected on property in a zone, the municipality shall pay into the tax increment account for the zone [an amount equal to] the tax increment produced by the municipality, less any amount allocated under previous agreements, including agreements under Chapter 380, Local Government Code, or Chapter 311, Tax Code.</u></p> <p><u>(i) All or the portion specified by the municipality of the money deposited to a tax increment account must be used to fund the transportation project for which the zone was designated or, as applicable, the acquisition, construction, improvement, or operation of a freight or passenger rail facility or system as well as aesthetic improvements within the zone. Any remaining money deposited to the tax increment account may be used for other purposes as determined by the municipality</u> [Money deposited to a tax increment account must be used to fund projects authorized under Section 222.104, including the repayment of amounts owed under an agreement entered into under that section].</p> <p><u>(i-1) The governing body of a municipality may contract</u></p>	

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<p>or assignment have been paid or discharged.</p> <p><u>(i-2) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the tax increment account has been assigned or pledged directly by the municipality or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (g).</u></p> <p><u>(j) Except as provided by Subsections (i-1) and [Subsection] (k), a transportation reinvestment zone terminates on December 31 of the year in which the municipality completes [complies with] a contractual requirement, if any, that included the pledge or assignment of all or a portion of money deposited to a tax increment account or the repayment of money owed under an [the] agreement for development, redevelopment, or improvement of the project for [under Section 222.104 in connection with] which the zone was designated.</u></p> <p><u>(k) A transportation reinvestment zone terminates on December 31 of the 10th year after the year the zone was designated, if before that date the municipality has not entered into a contract described in Subsection (i-1) or otherwise not used the zone for the purpose for which it was designated.</u></p>	<p><u>with a public or private entity to develop, redevelop, or improve a transportation project in a transportation reinvestment zone and may pledge and assign all or a specified amount of money in the tax increment account to that entity. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the governing body of the municipality may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged.</u></p> <p><u>(i-2) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the tax increment account has been assigned or pledged directly by the municipality or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (g).</u></p> <p><u>(j) Except as provided by Subsections (i-1), [Subsection] (k), and (l-1), a transportation reinvestment zone terminates on December 31 of the year in which the municipality completes [complies with] a contractual requirement, if any, that included the pledge or assignment of all or a portion of money deposited to a tax increment</u></p>	

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<p>(l) Any surplus remaining <u>in a tax increment account</u> on termination of a zone may be used for <u>other purposes as determined by</u> [transportation projects of] the municipality [in or outside of the zone].</p>	<p>account or the repayment of money owed under <u>an</u> [the] agreement for development, redevelopment, or improvement of the project for [under Section 222.104 in connection with] which the zone was designated.</p> <p>(k) A transportation reinvestment zone terminates on December 31 of the 10th year after the year the zone was designated, if before that date the municipality has not entered into a contract described in Subsection (i-1) or <u>otherwise not</u> used the zone for the purpose for which it was designated.</p> <p>(l) Any surplus remaining <u>in a tax increment account</u> on termination of a zone may be used for <u>other purposes as determined by</u> [transportation projects of] the municipality [in or outside of the zone].</p> <p>(l-1) <u>A transportation reinvestment zone designated to promote the acquisition, construction, improvement, or operation of a freight or passenger rail facility or system terminates on the earlier of:</u></p> <p>(1) <u>the termination date specified in the ordinance designating the zone or an earlier or later termination date specified by an ordinance adopted subsequent to the ordinance designating the zone; or</u></p> <p>(2) <u>the date on which all costs incurred in the acquisition, construction, improvement, or operation of the freight or passenger rail facility or system, tax increment bonds and interest on those bonds, and other obligations have been paid in full.</u></p> <p>(m) <u>In this section, "rail facility" has the meaning assigned by Section 91.001.</u></p>	

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<p>SECTION 2.09. The heading to Section 222.107, Transportation Code, is amended to read as follows: Sec. 222.107. COUNTY TRANSPORTATION REINVESTMENT ZONES[; TAX ABATEMENTS; ROAD UTILITY DISTRICTS].</p>	<p>SECTION 25.03. Same as House version.</p>	
<p>SECTION 2.10. Section 222.107, Transportation Code, is amended by amending Subsections (b), (c), (e), (f), (h), (i), (k), and (l) and adding Subsections (h-1) and (k-1) to read as follows: (b) This section applies only to a county <u>in which a transportation project is to be developed</u> [the commissioners court of which intends to enter into a pass-through toll agreement with the department] under Section 222.104. (c) The commissioners court of the county, after determining that an area is unproductive and underdeveloped and that action under this section would further the purposes described by Section 222.105, by order or resolution may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone to promote a transportation project [described by Section 222.104 that cultivates development or redevelopment of the area] and for the purpose of abating ad valorem taxes <u>or granting other relief from taxes</u> imposed by the county on real property located in the zone. (e) Not later than the 30th day before the date the commissioners court proposes to designate an area as a</p>	<p>SECTION 25.04. Same as House version.</p>	

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<p>transportation reinvestment zone under this section, the commissioners court must hold a public hearing on the creation of the zone, its benefits to the county and to property in the proposed zone, and the abatement of ad valorem taxes <u>or the grant of other relief from ad valorem taxes</u> imposed by the county on real property located in the zone. At the hearing an interested person may speak for or against the designation of the zone, its boundaries, or the abatement of <u>or the relief from</u> county taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing and the intent to create a zone must be published in a newspaper having general circulation in the county.</p> <p>(f) The order or resolution designating an area as a transportation reinvestment zone must:</p> <p>(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;</p> <p>(2) provide that the zone takes effect immediately on adoption of the order or resolution; and</p> <p>(3) assign a name to the zone for identification, with the first zone designated by a county designated as "Transportation Reinvestment Zone Number One, County of (name of county)," and subsequently designated zones assigned names in the same form numbered consecutively in the order of their designation; <u>and</u></p> <p><u>(4) designate the base year for purposes of establishing the tax increment base of the county.</u></p>		

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<p>(h) The commissioners court by order or resolution may enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate <u>all or a portion of the ad valorem taxes or to grant other relief from the taxes</u> imposed by the county on the owner's property <u>in an amount not to exceed the amount calculated under Subsection (a)(1) for that year.</u> All abatements <u>or other relief</u> granted by the commissioners court in a transportation reinvestment zone must be equal in rate. In the alternative, the commissioners court by order or resolution may elect to abate a portion of the ad valorem taxes <u>or otherwise grant relief from the taxes</u> imposed by the county on all real property located in the zone. In any ad valorem tax year, the total amount of the taxes abated <u>or the total amount of relief granted</u> under this section may not exceed the amount calculated under Subsection (a)(1) for that year, less any amounts allocated under previous agreements, <u>including agreements under Chapter 381, Local Government Code, or Chapter 312, Tax Code.</u></p> <p><u>(h-1) To further the development of the transportation project for which the transportation reinvestment zone was designated, a county may assess all or part of the cost of the transportation project against property within the zone. The assessment against each property in the zone may be levied and payable in installments in the same manner as provided by Sections 372.016-372.018, Local Government Code, provided that the installments do not exceed the total amount of the tax abatement or</u></p>		

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<p><u>other relief granted under Subsection (h). The county may elect to adopt and apply the provisions of Sections 372.015-372.020 and 372.023, Local Government Code, to the assessment of costs and Sections 372.024-372.030, Local Government Code, to the issuance of bonds by the county to pay the cost of a transportation project. The commissioners court of the county may contract with a public or private entity to develop, redevelop, or improve a transportation project in the transportation reinvestment zone, including aesthetic improvements, and may pledge and assign to that entity all or a specified amount of the revenue the county receives from installment payments of the assessments for the payment of the costs of that transportation project. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the commissioners court of the county may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged. Any amount received from installment payments of the assessments not pledged or assigned in connection with the transportation project may be used for other purposes associated with the transportation project or in the zone.</u></p> <p>(i) <u>In the alternative, to [Tø] assist the county in developing a transportation project [authorized under Section 222.104], if authorized by the commission under Chapter 441, a road utility district may be formed under</u></p>		

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<p>that chapter that has the same boundaries as a transportation reinvestment zone created under this section.</p> <p>(k) A road utility district formed as provided by Subsection (i) may enter into an agreement [with the county to assume the obligation, if any, of the county] to fund <u>development of</u> a project [under Section 222.104] or to repay funds owed to the department [under Section 222.104]. Any amount paid for this purpose is considered to be an operating expense of the district. Any taxes collected by the district that are not paid for this purpose may be used for any district purpose.</p> <p><u>(k-1) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the assessment has been assigned or pledged directly by the county or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (f).</u></p> <p>(l) Except as provided by Subsection (m), a tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes <u>or the grant of relief from taxes</u> under that subsection, terminates on December 31 of the year in which the county completes any contractual requirement that</p>		

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<p>included the pledge <u>or assignment of assessments</u> [of money] collected under this section.</p>		
<p>SECTION 2.11. Subchapter E, Chapter 222, Transportation Code, is amended by adding Sections 222.108 and 222.109 to read as follows: <u>Sec. 222.108. TRANSPORTATION REINVESTMENT ZONES FOR OTHER TRANSPORTATION PROJECTS. (a) Notwithstanding the requirement in Sections 222.106(b) and 222.107(b) that a transportation reinvestment zone be established in connection with a project under Section 222.104, a municipality or county may establish a transportation reinvestment zone for any transportation project. If all or part of the transportation project is subject to oversight by the department, at the option of the governing body of the municipality or county, the department shall delegate full responsibility for the development, design, letting of bids, and construction of the project, including project oversight and inspection, to the municipality or county provided that the commission or department may take any action that in its reasonable judgment is necessary to comply with any federal requirement to enable this state to receive federal-aid highway funds.</u> <u>(b) A transportation project developed under Subsection (a) that is on the state highway system must comply with state design criteria unless the department grants an exception to the municipality or county.</u> <u>(c) In this section, "transportation project" has the</u></p>	<p>SECTION 25.05. Same as House version but does not include the following language at the end of Subsection (a) <u>provided that the commission or department may take any action that in its reasonable judgment is necessary to comply with any federal requirement to enable this state to receive federal-aid highway funds.</u></p>	

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<p>meaning assigned by Section 370.003.</p> <p><u>Sec. 222.109. REDUCTION PROHIBITED. (a) A municipality or county may not be penalized with a reduction in traditional transportation funding because of the designation and use of a transportation reinvestment zone under this chapter. Any funding from the department identified for a project before the date that a transportation reinvestment zone is designated may not be reduced because the transportation reinvestment zone is designated in connection with that project.</u></p> <p><u>(b) The department may not reduce any allocation of traditional transportation funding to any of its districts because a district contains a municipality or county that contains a transportation reinvestment zone designated under this chapter.</u></p>		
<p>SECTION 2.12. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.0411 to read as follows:</p> <p><u>Sec. 223.0411. REPORT. (a) Not later than December 31, 2009, the comptroller shall submit a report to the governor and the Legislative Budget Board as provided by this section. In developing the report, the comptroller shall collaborate with:</u></p> <p><u>(1) the department;</u></p> <p><u>(2) the Texas Board of Professional Engineers;</u></p> <p><u>(3) a statewide organization that represents general contractors; and</u></p> <p><u>(4) a statewide organization that represents engineering</u></p>	<p>SECTION 1.18. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.0411 to read as follows:</p> <p><u>Sec. 223.0411. REPORT. (a) Not later than December 31, 2009, the comptroller shall submit a report to the governor, the Transportation Legislative Oversight Committee, and the Legislative Budget Board as provided by this section. In developing the report, the comptroller shall collaborate with:</u></p> <p><u>(1) the department;</u></p> <p><u>(2) the Texas Board of Professional Engineers;</u></p> <p><u>(3) the Association of General Contractors; and</u></p> <p><u>(4) the Consultant Engineer Council.</u></p>	

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<p>companies.</p> <p><u>(b) The report must include:</u></p> <p><u>(1) the number of licensed professional engineers and graduate engineers employed by the department in each of the previous five state fiscal years aggregated by work function and by strategy;</u></p> <p><u>(2) the number of department employees associated with the planning, design, and management of department construction projects in each of the previous five state fiscal years;</u></p> <p><u>(3) the dollar amount of highway and bridge projects awarded by the department in each of the previous five state fiscal years, including the percentage of those projects for which planning, design, and management activities were conducted by:</u></p> <p><u>(A) department personnel;</u></p> <p><u>(B) private sector personnel; and</u></p> <p><u>(C) both department personnel and private sector personnel;</u></p> <p><u>(4) the cost, including all direct and indirect costs, for all planning, design, and management activities performed by department personnel, private sector personnel, and both department personnel and private sector personnel aggregated by type of project per \$100 million of highway and bridge projects awarded by the department in each of the previous five state fiscal years;</u></p> <p><u>(5) an analysis of the dollar volume impact to the department's highway and bridge construction and maintenance program per \$100 million of highway and</u></p>	<p><u>(b) The report must include:</u></p> <p><u>(1) the number of licensed professional engineers and graduate engineers employed by the department in each of the previous five state fiscal years aggregated by work function and by strategy;</u></p> <p><u>(2) the dollar amount of highway and bridge projects awarded by the department in each of the previous five state fiscal years;</u></p> <p><u>(3) the cost, including all direct and indirect costs, aggregated by type of project per \$100 million, of highway and bridge projects awarded by the department in each of the previous five state fiscal years, including the percentage of those projects for which activities were conducted by:</u></p> <p><u>(A) department personnel;</u></p> <p><u>(B) private sector personnel; and</u></p> <p><u>(C) both department personnel and private sector personnel;</u></p> <p><u>(4) an analysis of the dollar volume impact to the department's highway and bridge construction and maintenance program per \$100 million of projects awarded for each one percent increase in production by private sector personnel offset by a reduction in the activities of department personnel, considering the cost to perform activities described by Subdivision (3);</u></p> <p><u>(5) a recommended plan for staffing and usage of department and private sector personnel in the planning of department highway and bridge projects for the next 10-</u></p>	

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<p><u>bridge projects awarded for each one percent increase in production by consultants offset by a reduction to production by department personnel, considering cost to produce as developed in Subdivision (4);</u> <u>(6) a recommended plan for staffing and usage of department and private sector personnel in the planning, design, and management of department highway and bridge projects for the next 10-year period based on projected funding for the department.</u> <u>(7) an attrition plan to reach recommended department staffing levels described by Subsection (b)(6) not later than January 1, 2013, if applicable;</u> <u>(8) a detailed description for how the report will be incorporated in the department's ongoing restructuring effort.</u> <u>(c) The analysis required by Subsection (b)(4) shall be conducted by an independent contract cost accounting firm that is knowledgeable of governmental and private sector accounting practices. The firm shall apply the same rules for the allocation of indirect costs, employee benefits, and other practices for all projects analyzed.</u> <u>(d) The department may not hire a new employee to fill a vacancy in a position paid out of funds appropriated to the department for the planning, design, and management of transportation projects in the General Appropriations Act (Strategy A.1.1., or its successor) until:</u> <u>(1) the comptroller submits the report required by this section; and</u> <u>(2) the Legislative Budget Board approves the</u></p>	<p><u>year period based on projected funding for the department;</u> <u>(6) an attrition plan to achieve the department staffing levels recommended in the plan under Subdivision (5) before January 1, 2013, if those recommended levels are lower than the corresponding staffing levels on September 1, 2009; and</u> <u>(7) a detailed description as to how the results of the report will be incorporated in the department's ongoing restructuring efforts.</u> <u>(c) The cost analysis required by Subsection (b)(3) shall be conducted by an independent contract cost accounting firm that is knowledgeable of governmental and private sector accounting practices.</u> <u>(d) The department may not hire a new employee to fill a vacancy in a position paid out of funds appropriated to the department for the planning, design, and management of transportation projects in the General Appropriations Act (Strategy A.1.1., or its successor) until:</u> <u>(1) the comptroller submits the report required by this section; and</u> <u>(2) the Legislative Budget Board approves the recommendations contained in the report.</u> <u>(e) This section expires September 1, 2011.</u></p>	

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<p><u>recommendations contained in the report.</u> <u>(e) Not later than April 1, 2010, the department shall implement the recommended plan for staffing described by Subsection (b)(6), subject to approval by the Legislative Budget Board under Subsection (d).</u> <u>(f) This section expires September 1, 2011.</u></p>		
<p>SECTION 2.13. Subchapter A, Chapter 223, Transportation Code, is amended by adding Section 223.0125 to provide for liquidated damages to be paid by a contractor to business entities located in a project area that are adversely affected by highway project completion delays for projects with a planned construction duration of more than six months. Requires TxDOT to incorporate the schedule in each highway construction contract, receive claims from applicable business entities claiming damages; and collect and send the damages to business entities as provided by the schedule. TxDOT would hold damages paid by a contractor in trust outside the treasury for the benefit of an adversely affected business entity. <i>(House 2nd Reading Amendment 105 by Bonnen)</i></p>	<p>No equivalent provision.</p>	
<p>SECTION 2.14. Section 222.053, Transportation Code, is amended by amending Subsection (b) and adding Subsection (i) to allow the commission to waive certain local incentives from a political subdivision for a highway trunk system project in a county with a population of less than 5,000 or a county with a</p>	<p>No equivalent provision.</p>	

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<p>population of 5,000 or more but less than 15,000 if the project is part of a federally designated high priority corridor.</p>		
<p>SECTION 2.15. (a) Subchapter D, Chapter 472, Transportation Code, is amended by adding Sections 472.0311 through 472.0316 and 472.035 through 472.046 to read as follows:</p> <p><u>Sec. 472.0311. PURPOSE. (a) The metropolitan transportation planning process described by this subchapter is intended to:</u></p> <p><u>(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems to serve the mobility needs of people and freight;</u></p> <p><u>(2) foster economic growth and development in and through urbanized areas of this state; and</u></p> <p><u>(3) minimize transportation-related fuel consumption, air pollution, and greenhouse gas emissions.</u></p> <p><u>(b) To accomplish the objectives under Subsection (a), metropolitan planning organizations shall develop, in cooperation with this state and public transit operators, transportation plans and programs for metropolitan areas in this state.</u></p> <p><u>(c) The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle</u></p>	<p>SECTION 2.10. Subchapter D, Chapter 472, Transportation Code, is amended by adding Section 472.0331 to read as follows:</p> <p>No equivalent provision.</p>	

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<p><u>transportation facilities that will function as an intermodal transportation system for the metropolitan area.</u></p> <p><u>(d) The process for developing plans and programs under this subchapter shall provide for consideration of all modes of transportation and be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation issues to be addressed.</u></p> <p><u>(e) To ensure that the process is integrated with the statewide planning process, metropolitan planning organizations shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system and give emphasis to facilities that serve important national, state, and regional transportation functions.</u></p> <p><u>Sec. 472.0312. DESIGNATION AND BOUNDARIES.</u></p> <p><u>(a) A metropolitan planning organization must be designated or redesignated in accordance with, and its boundaries determined by, 23 U.S.C. Section 134.</u></p> <p><u>(b) Each designated metropolitan planning organization must be fully operational not later than the 180th day after the date of its designation.</u></p> <p><u>Sec. 472.0313. POLICY BOARD OFFICERS. (a) Each policy board shall designate, at a minimum, a presiding officer, an assistant presiding officer, and a secretary.</u></p> <p><u>(b) The policy board shall select from among its</u></p>	<p><u>Sec. 472.0331. ORGANIZATION. (a) The governor shall designate, in accordance with 23 U.S.C. Section 134, a metropolitan planning organization for each urbanized area of this state having a population of more than 50,000.</u></p> <p><u>(b) The policy board of a metropolitan planning organization is the governing body of that organization. Not more than 50 percent of the number of the voting members of the policy board must may [Section 4 of Senate Floor Amendment 1 by Hegar] be elected officials whose jurisdictions are wholly or partially in the boundaries of the metropolitan planning organization.</u></p> <p><u>(c) A metropolitan planning organization is a</u></p>	

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<p><u>members the presiding officer and assistant presiding officer.</u></p> <p><u>(c) The secretary of the policy board shall prepare meeting minutes and maintain board records. The secretary may be a member of the policy board, an employee of the metropolitan planning organization, or any other individual.</u></p> <p><u>Sec. 472.0314. OPEN MEETINGS. A policy board is subject to Chapter 551, Government Code.</u></p> <p><u>Sec. 472.0315. POLICY BOARD MEMBERSHIP AND VOTING REQUIREMENTS IN CERTAIN AREAS; ELIGIBILITY FOR STATE ALLOCATION OF FUNDING. (a) The policy board of a metropolitan planning organization that serves two adjacent counties that each have a population of one million or more must consist of not less than three members of the legislature elected from the area served by the organization.</u></p> <p><u>(b) To be eligible to receive funds from this state for transportation projects under Section 201.668:</u></p> <p><u>(1) at least 75 percent of a metropolitan planning organization's policy board members must be elected officials who are elected in the boundaries of the metropolitan planning organization; and</u></p> <p><u>(2) only elected officials may be voting members of the organization's policy board.</u></p>	<p><u>governmental entity. The policy board is subject to Chapter 551, Government Code.</u></p> <p>Same as House Version.</p> <p><u>SECTION 2.05. Subchapter I, Chapter 201, Transportation Code is amended by adding Section 201.711. Sec. 201.711. ELIGIBILITY FOR STATE ALLOCATION OF FUNDING; BOARD MEMBERSHIP. (a) To be eligible to receive funds from this state for transportation projects under Section 201.988, not more than 50 percent of the voting members of the policy board of a metropolitan planning organization must be elected officials who are elected in the boundaries of the metropolitan planning organization.</u></p> <p><u>(b) A metropolitan planning organization that is not eligible under Subsection (a) may redesignate the board in compliance with the redesignation procedures in 23 U.S.C. Section 134 to become eligible to receive an allocation of funds under Section 201.988.</u></p> <p><u>(c) In this section, "elected official" means the presiding</u></p>	

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<p><u>(c) A metropolitan planning organization that is not eligible under Subsection (b) may redesignate the board so as to become eligible to receive an allocation of funds under Section 201.668.</u></p> <p><u>(d) In this section, "elected official" means the presiding officer or a member of the governing body of a municipality, a county judge, a county commissioner, a state representative, or a state senator.</u></p>	<p><u>officer or a member of the governing body of a municipality, a county judge, a county commissioner, a state representative, or a state senator.</u></p>	
<p>SECTION __.__. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6105 to requires TxDOT to study the construction of a sound barrier along the east side of State Highway 288 in Houston and submit the results to the commission by December 31, 2010. <i>(House 2nd Reading Floor Amendment 182 by Edwards)</i></p>	<p>No equivalent provision.</p>	
<p>SECTION __.__ and SECTION 2 (part 1) Sections 504.201, and Section 681.003, Transportation Code, are amended to add language that, if a person with a mobility problem that substantially impairs the person's ability to ambulate applies for a specialty license or placard, the required written statement may be written by a person licensed to practice chiropractic in the state. <i>(Second Reading Amendment # 180 Davis as Amended by 2nd Reading Amendment to the Amendment # 183 Fletcher)</i></p>	<p>No equivalent provision.</p>	

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<p>SECTION 2.</p> <p>Sec. 472.0316. <u>REPRESENTATION OF TRANSPORTATION-RELATED ENTITIES. (a) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a municipality or county represented on the metropolitan planning organization, the authorities or other agencies may be provided voting membership on the policy board.</u></p> <p><u>(b) In all other metropolitan planning organizations in which transportation authorities or agencies are to be represented by elected officials from a municipality or county, the organization shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.</u></p> <p>No equivalent provision.</p>	<p>SECTION 2.01. Section 201.001(a), Transportation Code, is amended by adding Subdivision (4);</p> <p>SECTION 2.10. Subchapter D, Chapter 472, Transportation Code, is amended by adding Section 471.0332; SECTION 2.11. Subchapter D, Chapter 472, Transportation Code, is amended by adding Section 472.035; and :SECTION 2.03. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section, 201.6015.</p> <p>No equivalent provision.</p> <p>(4) <u>"Metropolitan planning organization" has the meaning assigned by Section 472.031, Transportation Code.</u></p>	

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<p><u>Sec. 472.035. POWERS, DUTIES, AND RESPONSIBILITIES. (a) The powers, duties, and responsibilities of a metropolitan planning organization are those specified in this subchapter or incorporated in an interlocal agreement entered into to implement this subchapter.</u> <u>(b) Each metropolitan planning organization shall perform all acts required by applicable federal or state law or rules that are necessary to qualify for federal aid.</u></p> <p><u>Sec. 472.036. PLANNING. (a) To the extent permitted by state or federal law, a metropolitan planning organization shall:</u> <u>(1) be involved in the planning and programming of transportation facilities, including airports, intermunicipal and high-speed rail lines, seaports, and intermodal facilities; and</u></p>	<p><u>Sec. 472.0332. DUTIES. In addition to the requirements of federal law, a metropolitan planning organization shall perform the duties required by state law and those delegated by the commission under Subchapter H, Chapter 201.</u> <u>Sec. 472.035. DUTIES. The duties of a metropolitan planning organization are to provide regional transportation forecasting and planning, set regional priorities, and make project selection decisions as provided by federal law and the commission. The organization shall not be involved in project development activities for individual projects, including environmental clearance, procurement, or management of the project design and construction process.</u> <u>Sec. 201.6015. DELEGATION OF DUTIES OR POWERS TO METROPOLITAN PLANNING ORGANIZATION. A metropolitan planning organization may agree to accept additional responsibilities delegated by the commission concerning transportation planning and project selection.</u></p> <p>No equivalent provision.</p>	

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<p>(2) in cooperation with the department, develop:</p> <p><u>(A) a long-range transportation plan as required by Section 472.042;</u></p> <p><u>(B) an annually updated transportation improvement program as required by Section 472.043; and</u></p> <p><u>(C) an annual unified planning work program as required by Section 472.044.</u></p> <p><u>(b) In developing the long-range transportation plan and the transportation improvement program under Subsection (a), each metropolitan planning organization shall consider projects and strategies that will:</u></p> <p><u>(1) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;</u></p> <p><u>(2) increase the safety and security of the transportation system for motorized and nonmotorized users;</u></p> <p><u>(3) increase the accessibility and mobility options available to people and for freight;</u></p> <p><u>(4) protect and enhance the environment, promote energy conservation, and improve quality of life;</u></p> <p><u>(5) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;</u></p> <p><u>(6) promote efficient system management and operation; and</u></p> <p><u>(7) emphasize the preservation of the existing transportation system.</u></p> <p><u>(c) To provide recommendations to the department and local governmental entities regarding transportation</u></p>		

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<p><u>plans and programs, each metropolitan planning organization shall:</u></p> <p><u>(1) prepare a congestion management system for the metropolitan area and cooperate with the department in the development of any other transportation management system required by state or federal law;</u></p> <p><u>(2) assist the department in mapping transportation planning boundaries required by state or federal law;</u></p> <p><u>(3) assist the department in performing its duties relating to access management, functional classification of roads, and data collection;</u></p> <p><u>(4) execute all agreements or certifications necessary to comply with applicable state or federal law;</u></p> <p><u>(5) represent all the jurisdictional areas in the metropolitan area in the formulation of a transportation plan or program required by this subchapter; and</u></p> <p><u>(6) perform all other duties required by state or federal law.</u></p> <p><u>Sec. 472.037. TECHNICAL ADVISORY COMMITTEE. (a) Each metropolitan planning organization shall appoint a technical advisory committee whose members serve at the pleasure of the metropolitan planning organization.</u></p> <p><u>(b) The membership of the technical advisory committee must include, if possible:</u></p> <p><u>(1) planners;</u></p> <p><u>(2) engineers;</u></p> <p><u>(3) a representative of each political subdivision or</u></p>	<p>No equivalent provision.</p>	

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<p><u>agency or department of a political subdivision that provides transportation services, including, as applicable:</u> <u>(A) a port authority, navigation district, or public transit authority; or</u> <u>(B) a county or municipal airport or transit department;</u> <u>(4) the superintendent of each school district in the jurisdiction of the metropolitan planning organization or a person designated by the superintendent; and</u> <u>(5) other appropriate representatives of affected local governments.</u></p> <p><u>Sec. 472.038. SAFE ACCESS TO SCHOOLS. (a) In addition to any other duty assigned to it by the metropolitan planning organization or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs and shall advise the metropolitan planning organization on those issues.</u> <u>(b) The technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations in the metropolitan area that participate in school safety activities, including locally established community traffic safety teams.</u> <u>(c) A school board must provide the appropriate metropolitan planning organization with information concerning future school sites and the coordination of transportation services.</u></p>	<p>No equivalent provision.</p>	

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<p><u>Sec. 472.039. EMPLOYEES. (a) Each metropolitan planning organization shall employ:</u> <u>(1) an executive or staff director who reports directly to the organization's policy board for all matters regarding the administration and operation of the metropolitan planning organization; and</u> <u>(2) any additional personnel the policy board considers necessary.</u> <u>(b) The executive or staff director and additional personnel may be employed by the metropolitan planning organization or by another governmental entity, including a county, municipality, or regional planning organization that has a staff services agreement with the metropolitan planning organization.</u> <u>(c) A metropolitan planning organization may enter into a contract with a local or state agency, private planning firm, private engineering firm, or other public or private entity to accomplish the metropolitan planning organization's transportation planning and programming duties and administrative functions.</u> <u>(d) A metropolitan planning organization, for the purpose of influencing legislation, may not engage the services of a person who is required to register with the Texas Ethics Commission under Chapter 305, Government Code.</u></p> <p><u>Sec. 472.040. TRAINING. (a) To enhance its members' knowledge, effectiveness, and participation in the</u></p>	<p>ARTICLE 13. METROPOLITAN PLANNING ORGANIZATIONS. SECTION 13.01. Section 472.034, Transportation Code, is amended to add SB 585 by Carona relating to standards of conduct and ethics policies for MPOs. Specifies that if an MPO employee is subject to an ethics policy of another governmental entity, the stricter policy prevails.</p> <p>No equivalent provision.</p>	

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<p><u>transportation planning process, a metropolitan planning organization shall provide training opportunities and funds for the organization's members.</u></p> <p><u>(b) Training of its policy board members may be conducted by the metropolitan planning organization or through statewide or federal training programs and initiatives that are specifically designed to meet the needs of metropolitan planning organization policy board members.</u></p> <p><u>Sec. 472.041. COORDINATION WITH OTHER ENTITIES. A metropolitan planning organization may join with any other metropolitan planning organization or an individual political subdivision to:</u></p> <p><u>(1) coordinate activities; or</u></p> <p><u>(2) achieve any federal or state transportation planning or development goal or purpose consistent with federal or state law.</u></p> <p><u>Sec. 472.042. LONG-RANGE TRANSPORTATION PLAN. Each metropolitan planning organization shall develop a long-range transportation plan that addresses at least a 20-year period. The plan must include both long-range and short-range strategies and comply with all other state and federal requirements.</u></p>	<p>No equivalent provision.</p> <p><u>SECTION 2.03. Subchapter H, Chapter 201 Transportation Code is amended by adding Section 201.621. Sec. 201.621. METROPOLITAN TRANSPORTATION PLAN. (a) A metropolitan planning organization shall prepare and periodically update a long-range transportation plan for its service area as required by federal law.</u></p> <p><u>(b) The first 10 years of the long-range plan must be identical to the plan developed under Section 201.983.</u></p> <p><u>(c) Before approving a long-range transportation plan, a</u></p>	

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<p><u>Sec. 472.043. TRANSPORTATION IMPROVEMENT PROGRAM. (a) Each metropolitan planning organization shall develop annually a list of project priorities and a transportation improvement program. The prevailing principles to be considered by the metropolitan planning organization when developing a list are:</u></p> <p><u>(1) preserving the existing transportation infrastructure;</u></p> <p><u>(2) enhancing the economic competitiveness of this state; and</u></p> <p><u>(3) improving travel choices to ensure mobility.</u></p> <p><u>(b) The transportation improvement program may be used to initiate federally aided transportation facilities and improvements and other transportation facilities and improvements, including transit, rail, aviation, and port</u></p>	<p><u>metropolitan planning organization shall provide to residents in its boundaries, affected public agencies, and other interested parties a reasonable opportunity to comment on the long-range transportation plan.</u></p> <p><u>(d) A metropolitan planning organization shall make each of its long-range transportation plans readily available for public review and shall deliver each plan to the commission at the times and in the manner and format established by the commission. The format of the plan must be in plain English and easily reviewable and understandable. The metropolitan planning organization shall update the plan every year or more frequently as necessary.</u></p> <p>No equivalent provision.</p>	

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<p><u>facilities.</u></p> <p><u>(c) The transportation improvement program must be consistent, to the maximum extent feasible, with comprehensive plans of the political subdivisions the boundaries of which are in the metropolitan area served by the metropolitan planning organization.</u></p> <p><u>Sec. 472.044. UNIFIED PLANNING WORK PROGRAM. (a) Each metropolitan planning organization shall develop, in cooperation with the department and public transit operators, a unified planning work program that lists all planning tasks to be undertaken during the program year.</u></p> <p><u>(b) The unified planning work program must provide a complete description of each planning task and an estimated budget for that task and must comply with applicable state and federal law.</u></p> <p><u>Sec. 472.045. APPLICATION OF FEDERAL LAW.</u></p> <p><u>(a) On notification by an agency of the federal government that a provision of this subchapter conflicts with a federal law or regulation, the federal law or regulation takes precedence to the extent of the conflict until the conflict is resolved.</u></p> <p><u>(b) The department or a metropolitan planning organization may take any action necessary to comply with federal laws and regulations or to continue to remain eligible to receive federal funds.</u></p>	<p>No equivalent provision.</p> <p>Similar to the House Version. See SECTION 2.02. Section 201.601 (d), Transportation Code above.</p>	

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<p>Sec. 472.046. <u>PUBLICATION OF INFORMATION ON INTERNET WEBSITE.</u> A metropolitan planning organization shall publish financial information on its Internet website, including information regarding:</p> <p>(1) budgeted annual revenues and expenditures;</p> <p>(2) actual quarterly revenues and expenditures; and</p> <p>(3) staffing levels.</p> <p>(b) A metropolitan planning organization is not required to designate officers in accordance with Section 472.0313, Transportation Code, as added by this section, and a technical advisory committee of a metropolitan planning organization is not required to comply with Section 472.037, Transportation Code, as added by this section, before January 1, 2010.</p>	<p>No equivalent provision.</p>	
<p>SECTION 2.16. Section 472.032, Transportation Code, is amended to read as follows:</p> <p>Sec. 472.032. <u>VOTING PROXIES BY POLICY BOARD MEMBERS PROHIBITED.</u> (a) A policy board may <u>not allow its members to vote by proxy</u> [provide in its bylaws for appointment of voting proxies by its members].</p> <p>(b) [A proxy appointed under Subsection (a):</p> <p>[(1) acts on behalf of and under the supervision of the policy board member who appointed the proxy;</p> <p>[(2) must be appointed in writing; and</p> <p>[(3) is authorized to vote for the policy board member who appointed the proxy to the extent the member has given the proxy the member's voting power.</p>	<p>No equivalent provision.</p>	

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<p>[(e)] A legislative member of a policy board may not be counted as absent at a meeting of the policy board during a legislative session.</p> <p>[(d) A legislative member of a policy board may only appoint a proxy under Subsection (a) who is:</p> <p>[(1) the legislative member's employee or staff member;</p> <p>[(2) a person related to the member within the second degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, who is not required to register as a lobbyist under Chapter 305, Government Code;</p> <p>[(3) another legislative member of the policy board; or</p> <p>[(4) a locally elected official.]</p>		
<p>SECTION 2.17. Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.214 to read as follows:</p> <p><u>Sec. 201.214. ENVIRONMENTAL CERTIFICATION.</u></p> <p><u>(a) The department shall establish a process to certify district environmental specialists in the department, including specialists for matters regarding compliance with state and federal regulation of stormwater runoff and control.</u></p> <p><u>(b) The certification process must include minimum standards of training, as determined by the department, including mandatory annual continuing education standards for a certified person to be eligible for annual re-certification.</u></p> <p><u>(d) A person licensed under Chapter 1001, Occupations</u></p>	<p>SECTION 1.10. (a) Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.214 to read as follows:</p> <p><u>Sec. 201.214. ENVIRONMENTAL CERTIFICATION.</u></p> <p><u>(a) So as to improve environmental accountability in the department, the department shall establish a certification process for environmental specialists. A person who successfully completes the certification process may:</u></p> <p><u>(1) perform analyses and reviews of environmental reports and documents; and</u></p> <p><u>(2) approve environmental reports and documents.</u></p> <p><u>(b) The certification process must establish minimum levels of training, including continuing education. A person certified by the department must successfully complete continuing education on a regular basis and be</u></p>	

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<p><u>Code shall not be required to provide or hold any additional certification, other than a license issued under that chapter, to seal a plan, specification, analysis, or report under this program.</u></p>	<p>recertified each year. (b) Not later than March 31, 2010, the Texas Department of Transportation shall establish the certification process under Section 201.214, Transportation Code, as added by Subsection (a) of this section. (c) Not later than September 30, 2010, each employee of the Texas Department of Transportation whose job includes working on the development of environmental reports and documents must have successfully completed the certification process under Section 201.214, Transportation Code, as added by Subsection (a) of this section.</p>	
<p>SECTION 2.18. Subchapter B, Chapter 224, Transportation Code, is amended by adding Section 224.034 to require any transportation planning to include an aggregate resource availability assessment to assess the quantity, quality and extent of aggregate deposits that may be available as raw material. Requires the department in coordination and consultation with the Bureau of Economic Geology at UT Austin to conduct the assessment. <i>(2nd Reading Amendment 50 by Isett)</i></p>	<p>No equivalent provision.</p>	
<p>SECTION 2.19. (a) Subchapter I, Chapter 201, Transportation Code, is amended to requires the department to use or enter into a contract to use at least 10,000 cubic yards per year of glass cullet as a replacement for aggregate material. <i>(2nd Reading Amendment 51 by Maldonado)</i></p>	<p>No equivalent provision</p>	

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<p>SECTION 2.20. Section 364.004(c), Transportation Code, is repealed to remove the prohibition of a toll bridge in a county with a population of more than 675,000. <i>(2nd Reading Amendment 52 by Pickett)</i></p>	<p>No equivalent provision.</p>	
<p>SECTION 2.21. Subchapter C, Chapter 371, Transportation Code, as added by Chapter 264 (S.B. 792), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 371.105 to read as follows: <u>Sec. 371.105. PROHIBITION AGAINST CONCESSION PAYMENTS; REVENUE SHARING.</u> <u>(a) In this section, "concession payment" means an up-front payment made by a private participant in return for which the private participant is granted a right to operate and receive revenue from a toll project.</u> <u>(b) A toll project entity is prohibited from accepting a concession payment as part of a comprehensive development agreement.</u> <u>(c) A toll project entity may enter into a revenue sharing agreement with a private participant as part of a comprehensive development agreement.</u> <u>(d) This section does not apply to:</u> <u>(1) the State Highway 161 project from State Highway 183 to Interstate Highway 20 in Dallas County;</u> <u>(2) the Loop 49 project from Interstate Highway 20 to State Highway 110 in Smith County;</u> <u>(3) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L</u></p>	<p>SECTION 4.08. Subchapter C, Chapter 371, Transportation Code, as added by Chapter 264 (S.B. 792), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 371.105 to read as follows: <u>Sec. 371.105. PROHIBITION AGAINST CONCESSION PAYMENTS; REVENUE SHARING.</u> (a) In this section, "concession payment" means an up-front payment made by a private participant in return for which the private participant is granted a right to operate and receive revenue from a toll project. <u>(b) A toll project entity is prohibited from accepting a concession payment as part of a comprehensive development agreement.</u> <u>(c) A toll project entity may enter into a revenue sharing agreement with a private participant as part of a comprehensive development agreement.</u> <u>(d) This section does not apply to:</u> <u>(1) the State Highway 161 project from State Highway 183 to Interstate Highway 20 in Dallas County;</u> <u>(2) the United States Highway 281 project in Bexar County from Loop 1604 to the Comal County line;</u> <u>(3) the Loop 49 project from Interstate Highway 20 to State Highway 110 in Smith County;</u> <u>(4) the DFW Connector project in Tarrant and Dallas</u></p>	

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<p><u>Business to east of International Parkway and State Highway 121 from north of Farm-to-Market Road 2499 to south of State Highway 360);</u> <u>(4) the North Tarrant Express project in Tarrant and Dallas Counties (Interstate Highway 820 and State Highway 121/State Highway 183 from Interstate Highway 35W to State Highway 161, Interstate Highway 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and Interstate Highway 35W from Interstate Highway 30 to State Highway 170);</u> <u>(5) the United States Highway 290 project from east of United States Highway 183 to east of Farm-to-Market Road 973 in Travis County;</u> <u>(6) the State Highway 99 (Grand Parkway) project;</u> <u>(7) the Interstate Highway 635 managed lanes project in Dallas County (Interstate Highway 635 from east of Luna Road to Greenville Avenue and Interstate Highway 35E from south of the Loop 12/Interstate Highway 35E split to south of Valwood Parkway);</u> <u>(8) the Phase 3 and 4 extensions of the Dallas North Tollway in Collin and Denton Counties from State Highway 121 to the Grayson County line, and the planned future extension into Grayson County, regardless of which local toll project entity develops the extension in Grayson County;</u> <u>(9) the Southwest Parkway (State Highway 121) in Tarrant County from south of Dirks Road/Altamesa Boulevard to Interstate Highway 30;</u> <u>(10) a comprehensive development agreement in</u></p>	<p><u>Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of Farm-to-Market Road 2499 to south of State Highway 360);</u> <u>(5) the North Tarrant Express project in Tarrant and Dallas Counties (Interstate Highway 820 and State Highway 121/State Highway 183 from Interstate Highway 35W to State Highway 161, Interstate Highway 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and Interstate Highway 35W from Interstate Highway 30 to State Highway 170);</u> <u>(6) the United States Highway 290 project from east of United States Highway 183 to east of Farm-to-Market Road 973 in Travis County;</u> <u>(7) the State Highway 99 (Grand Parkway) project;</u> <u>(8) the Interstate Highway 635 managed lanes project in Dallas County (Interstate Highway 635 from east of Luna Road to Greenville Avenue and Interstate Highway 35E from south of the Loop 12/Interstate Highway 35E split to south of Valwood Parkway);</u> <u>(9) Phase 4 extension of the Dallas North Tollway in Collin and Denton Counties from United States Highway 380 to the Grayson County line to be developed by North Texas Tollway Authority;</u> <u>(10) the Southwest Parkway (State Highway 121) in Tarrant County from Interstate 30 to Dirks Road/Altamesa Boulevard and the Chisholm Trail project from Dirks Road/Altamesa Boulevard to U.S. Highway 67 in the City of Cleburne; or</u></p>	

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<p><u>connection with a project associated with any portion of the Loop 9 project that is located in a nonattainment air quality area as designated by the United States Environmental Protection Agency that includes two adjacent counties that each have a population of one million or more;</u> <u>(11) the Dallas North Tollway in Collin County from FM 428 to the Grayson County Line;</u> <u>(12) the Lake Lavon Bridge in Collin County; and</u> <u>(13) IH-35 West and associated passenger rail in Tarrant and Denton Counties.</u></p>	<p><u>(11) a comprehensive development agreement in connection with a project associated with any portion of the Loop 9 project that is located in a nonattainment air quality area as designated by the United States Environmental Protection Agency that includes two adjacent counties that each have a population of one million or more.</u></p>	
<p>SECTION 2.22. Subsection (a), Section 371.151, Transportation Code, as added by Chapter 264 (S.B. 792), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows: (a) Before a toll project entity enters into a contract for the construction of a toll project, the entity shall publish in the manner provided by Section 371.152 information regarding: (1) project financing, including: (A) the total amount of debt that has been and will be assumed to acquire, design, construct, operate, and maintain the toll project; (B) a description of how the debt will be repaid, including a projected timeline for repaying the debt; and (C) the projected amount of interest that will be paid on the debt; (2) whether the toll project will continue to be tolled</p>	<p>SECTION 4.09. Same as House version.</p>	

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<p>after the debt has been repaid; (3) a description of the method that will be used to set toll rates; (4) a description of any terms in the contract relating to competing facilities, including any penalties associated with the construction of a competing facility; (5) a description of any terms in the contract relating to a termination for convenience provision, including any information regarding how the value of the project will be calculated for the purposes of making termination payments; (6) the initial toll rates, the methodology for increasing toll rates, and the projected toll rates at the end of the term of the contract; and (7) <u>the terms of any revenue sharing agreement</u> [the projected total amount of concession payments].</p>		
<p>SECTION 2.23. (a) The changes in law made by Section 371.151, Transportation Code, as amended by this Article, and Section 371.105, Transportation Code, as added by this Article, apply only to a comprehensive development agreement entered into on or after the effective date of this Act. (b) A comprehensive development agreement entered into before the effective date of this Act is governed by the law in effect on the day the agreement was finalized, and the former law is continued in effect for that purpose.</p>	<p>SECTION 4.10. Same as House version.</p>	

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<p>SECTION 2.24. (a) Section 371.101, Transportation Code, as amended by this Act, does not apply to a comprehensive development agreement for a project on the IH 69 corridor in Bowie County.</p> <p>(b) A project described by this section is governed by Section 371.101, Transportation Code, as that section existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.</p>	<p>SECTION 26.07 and SECTION 26.08 (full text below)</p> <p>SECTION 26.07. (a) Section 371.101, Transportation Code, as amended by this Act, does not apply to a comprehensive development agreement for:</p> <p>(1) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of FM 2499 to south of State Highway 360);</p> <p>(2) the North Tarrant Express project in Tarrant and Dallas Counties (IH 820 and State Highway 121/State Highway 183 from IH 35W to State Highway 161, IH 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and IH 35W from IH 30 to State Highway 170);</p> <p>(3) the IH 635 managed lanes project in Dallas County (IH 635 from east of Luna Road to Greenville Avenue and IH 35E from south of the Loop 12/IH 35E split to south of Valwood Parkway);</p> <p>(4) the Loop 9 project in Dallas County;</p> <p>(5) a project located south of Refugio County on the ISTEIA High Priority Corridor identified in Sections 1105(c)(18) and (20) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. No. 102-240), as amended by Section 1211 of the Transportation Equity Act for the 21st Century (Pub. L. No. 105-178, as amended by Title IX, Pub. L. No. 105-206), if the project is part of the highway corridor designated by those laws;</p>	

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	<p>(6) the following projects to be developed in connection with the projects described under Subdivision (5):</p> <p>(A) the Corpus Christi Southside Mobility Corridor;</p> <p>(B) the State Highway 358 managed lanes project and the State Highway 286 managed lanes project in Nueces County; and</p> <p>(C) the State Highway 550 spur project and the West Loop project in Cameron County; or</p> <p>(7) a project on the IH 69 corridor in Bowie County.</p> <p>(b) A project described by this section is governed by Section 371.101, Transportation Code, as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.</p> <p>SECTION 26.08. The change in law made by this Act to Section 223.208, Transportation Code, does not apply to a project described in Section 26.07 of this Act. A project described in that section is governed by Section 223.208, Transportation Code, as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.</p>	
<p>SECTION 2.25. Section 371.101, Transportation Code, as added by Chapter 264 (S.B. No. 792), Acts of the 80th Legislature, Regular Session, 2007, does not apply to a comprehensive development agreement for:</p> <p>(1) a project located south of Refugio County on the ISTEIA High Priority Corridor identified in Sections 1105(c)(18) and (20) of the Intermodal Surface</p>	<p>SECTION 26.07 (see row above for full text)</p>	

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<p>Transportation Efficiency Act of 1991 (Pub. L. No. 102-240), as amended by Section 1211 of the Transportation Equity Act for the 21st Century (Pub. L. No. 105-178, as amended by Title IX, Pub. L. No. 105-206), if the project remains in a highway corridor designated by those laws; or (2) a project associated with a project under Subdivision (1), including: (A) the Corpus Christi Southside Mobility Corridor; (B) the State Highway 358 managed lanes project and the State Highway 286 managed lanes project in Nueces County; and (C) the State Highway 550 spur project and the West Loop project in Cameron County.</p>		
<p>SECTION 2.26. Chapter 472, Transportation Code, is amended by adding a new section 472.01355 to require at least 50 percent of the board of a metropolitan planning organization that serves a county with a population of 3.3 million or more to be elected officials from within the MPO boundaries, in order for the MPO to be eligible for receive funds from the state for transportation projects. <i>(House 2nd reading Floor Amendment 146 by S. Turner)</i></p>	<p>No equivalent provision.</p>	
<p>SECTION _____. Chapter 472, Transportation Code, is amended by adding a new section 472.01366 to authorize a metropolitan planning organization serving a county with a population of 3.3 million or more to designate one</p>	<p>No equivalent provision.</p>	

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<p>or more non-elected officials to serve as a voting member of the policy board. Authorizes an MPO to including as voting members of the policy board transportation authorities or agencies serving the MPO area regardless of whether the authorities are under the jurisdiction of a city or county represented by the MPO. <i>(House 2nd reading Floor Amendment 146 by S. Turner)</i></p>		
<p>ARTICLE 2A. INSPECTOR GENERAL</p>	<p>No equivalent provision.</p>	
<p>SECTION 2A.01. Chapter 201, Transportation Code, is amended by adding Subchapter F-1 to read as follows: <u>SUBCHAPTER F-1. INSPECTOR GENERAL</u> Requires the Commission to appoint an inspector general who reports to the Commission. Requires the inspector general to audit, evaluate, study, and identify certain functions at the department, including its financial condition and the efficiency of its business and administrative practices. Adds a temporary provision, set to expire August 31, 2013, to require the legislative oversight committee on transportation to appoint the inspector general and provides that if the appointment by the Committee is determined to be unconstitutional, the Commission is required to appoint the inspector general from a list provided by the Committee. Includes provisions for the cooperation and coordination between the inspector general and state auditor's office.</p>	<p>No equivalent provision.</p>	

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SECTION 2A.02. The Texas Transportation Commission or the Transportation Legislative Oversight Committee, as applicable, shall appoint an inspector general as required by Section 201.451, Transportation Code, as added by this Act, not later than December 1, 2009.	No equivalent provision.	
ARTICLE 3. PUBLIC INVOLVEMENT AND COMPLAINTS	Same as House version.	
No equivalent provision.	SECTION 3.01. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.605 to require the Commission, by rule, to provide for notice to owners of adjoining property and affected local governments and public officials and provide an opportunity for comment on a state highway project. Requires TxDOT to hold or provide the opportunity for one or more public hearings for any transportation project owned or operated by TxDOT that meets general criteria. Sets out requirements for the public hearing. Senate Floor Amendment 1, Section 6, by Hegar	
SECTION 3.01. Section 201.801, Transportation Code, is amended to update the Sunset across-the-board language on complaints. Requires each division and district to establish a process to act on complaints filed	SECTION 3.02. Same as House version.	

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with the Department. Requires the Department to develop a method for analyzing the sources and types of complaints and violations and use this information as a management tool. Requires the information to be reported monthly to the division directors and office directors and quarterly to the commission.		
SECTION 3.02. Subchapter J, Chapter 201, Transportation Code, is amended to require the Department to develop and implement a public involvement policy to guide and encourage public involvement.	SECTION 3.03. Same as House version.	
SECTION 3.03. (a) Section 228.004, Transportation Code, is amended to read as follows: Sec. 228.004. [PROMOTION OF] TOLL PROJECT INFORMATION. (a) The department may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing [promote the development and use of] toll projects and may enter into contracts or agreements necessary to procure marketing, advertising, or informational [other promotional] services from outside service providers. (b) This section does not authorize the department to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.	SECTION 1.21. Same as House version except replaces the word “ongoing” with “operating”	

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<p>(b) The change in law made by this section applies only to a contract or agreement entered into or renewed under Section 228.004, Transportation Code, as amended by this section, on or after the effective date of this Act. A contract or agreement entered into or renewed under that section before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.</p> <p>Note: This section is repealed in SECTION 30.04 of the House Version (below)</p>		
<p>SECTION 3.04. Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:</p> <p>(a) The [Except as provided by Section 228.2015, 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:</p> <p>(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;</p> <p>[(2)] the highway or segment was open to traffic as a turnpike project on or before September 1, 2005;</p> <p>(2) [(3)] the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005 which included the planned future extension of the Dallas North Tollway in</p>	<p>SECTION 1.28. (a) Section 228.201, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:</p> <p>(a) The [Except as provided by Section 228.2015, 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:</p> <p>(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;</p> <p>(2) the highway or segment was open to traffic as a turnpike project on or before September 1, 2005;</p> <p>(3) the project was designated as a toll project in a plan or program of a metropolitan planning organization on or before September 1, 2005;</p> <p>(4) the highway or segment is reconstructed so that the</p>	

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<p>Grayson County;</p> <p>(3) [(4)] 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</p> <p>(4) [(5)] 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;</p> <p>(5) [(6)] subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005[; or</p> <p>[(7) the commission converts the highway or segment to a toll facility by:</p> <p>[(A) making the determination required by Section 228.202;</p> <p>[(B) conducting the hearing required by Section 228.203; and</p> <p>[(C) obtaining county and voter approval as required by Sections 228.207 and 228.208].</p> <p>(a-1) Subsection (a) does not apply to a port of entry, as defined by Section 621.001.</p>	<p>number of nontolled lanes on the highway or segment is greater than or equal to the number in existence before the reconstruction;</p> <p>(5) a facility that has access, function, and control devices similar to the converted highway or segment before conversion 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</p> <p>(6) subject to Subsection (b), the highway or segment was open to traffic as a high-occupancy vehicle lane on May 1, 2005[; or</p> <p>[(7) the commission converts the highway or segment to a toll facility by:</p> <p>[(A) making the determination required by Section 228.202;</p> <p>[(B) conducting the hearing required by Section 228.203; and</p> <p>[(C) obtaining county and voter approval as required by Sections 228.207 and 228.208].</p> <p>(a-1) Subsection (a) does not apply to a port of entry, as defined by Section 621.001.</p>	
<p>SECTION 3.05. Repeals the following Sections in Transportation Code Chapter 228 (State Highway Toll Projects): 228.202 (Commission Determination),</p>	<p>(b) Sections 228.202, 228.203, 228.207, and 228.208, Transportation Code, are repealed.</p>	

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<p>228.203 (Public Hearing), 228.207 (County and Voter Approval), and 228.208 (Election to Approve Conversion).</p> <p>No equivalent provision.</p>	<p>(c) The change in law made by this Act to Section 228.201(a)(5), Transportation Code, does not apply to:</p> <p>(1) the State Highway 130, Segments 5 and 6, project in Travis, Caldwell, and Guadalupe Counties;</p> <p>(2) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of FM 2499 to south of State Highway 360);</p> <p>(3) the North Tarrant Express project in Tarrant and Dallas Counties (IH 820 and State Highway 121/State Highway 183 from IH 35W to State Highway 161, IH 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and IH 35W from IH 30 to State Highway 170);</p> <p>(4) the IH 635 managed lanes project in Dallas County (IH 635 from east of Luna Road to Greenville Avenue and IH 35E from south of the Loop 12/IH 35E split to south of Valwood Parkway); or</p> <p>(5) the U.S. Highway 290 project from east of U.S. Highway 183 to east of Farm-to-Market Road 734 in Travis County.</p>	
<p>SECTION 3.06. The change in law made by this Act to Subchapter E, Chapter 228, Transportation Code, applies</p>	<p>(d) A project described by Subsection (c) of this section is governed by Subchapter E, Chapter 228, Transportation</p>	

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<p>only to a contract for the construction of a highway or segment of a highway that the Texas Department of Transportation enters into on or after the effective date of this Act. A contract for the construction of a highway or segment of a highway entered into before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and that law is continued in effect for that purpose.</p>	<p>Code, as that subchapter existed immediately before the effective date of this Act, and that subchapter is continued in effect for that purpose.</p>	
<p>No equivalent provision</p>	<p>SECTION 3.04 - Repeals Transportation Code Chapter 203 (Modernization of State Highways; Controlled Access Highways); Subchapter B (Public Hearing and Comment)</p>	
<p>SECTION 3.07. Section 228.004, Transportation Code, is amended to read as follows:</p> <p>Sec. 228.004. [PROMOTION OF] TOLL PROJECT INFORMATION. (a) The department may, notwithstanding Chapter 2113, Government Code, engage in [marketing,] advertising[,] and other activities to provide information relating to pending or operating [promote the development and use of] toll projects, including providing information concerning the methods of paying and collecting tolls, and may enter into contracts or agreements necessary to procure [marketing,] advertising[,] or informational [other promotional] services from outside service providers.</p> <p>(b) This section does not authorize the department to engage in advertising or other activities for the purpose</p>	<p>Section 228.004, Transportation Code is amended in the Senate Version SECTION 1.21 (above)</p>	

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<p>of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.</p> <p>Notes: the same section of Transportation Code is also amended in the House version SECTION 3.03 (above)</p> <p>The section is repealed in SECTION 30.04 of the House Version (below)</p>		
<p>SECTION 3.08. The change in law made by this Act applies only to a contract or agreement entered into or renewed under Section 228.004, Transportation Code, on or after the effective date of this Act. A contract or agreement entered into or renewed under that section before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.</p>	<p>SECTION 1.21 (part) Same as House version</p>	
<p>SECTION 3.09. Section 228.012(b), Transportation Code, is amended to provide that, instead of assigning the responsibility for distributing funds in the subaccount to an MPO, TxDOT may enter into an agreement with a council of governments or similar planning agency for that entity to receive, manage, and distribute the money to entities in the region.</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 4. CONTRACTING FUNCTIONS</p>	<p>ARTICLE 4. CONTRACTING FUNCTIONS</p>	

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No equivalent provision.	SECTION 4.01. Amends Section 223.002, Transportation Code, to remove the provision that requires TxDOT to publish notice of the time and place for opening bids and awarding contracts for construction and maintenance highway projects. Allows TxDOT to determine by rule the most effective method for providing the notice.	
<p>SECTION 4.01. Amends Subchapter A, Chapter 223, Transportation Code, by adding. Section 223.017.</p> <p>Authorizes TxDOT to enter into a design-build contract for nontolled highway projects, but makes these modifications to the introduced version:</p> <ul style="list-style-type: none"> • Instead of a best-value procurement, generally follows a qualifications-based procurement process by requiring the procurements to be consistent with the design-build procedures under the Local Government Code, as passed last session. • Specifies that TxDOT funds spent on design-build contracts for nontolled highway projects may not be counted toward satisfying TxDOT's statutory spending requirement for engineering and design contracts under Section 223.041, Transportation Code. 	<p>SECTION 4.03. Amends Sections 223.201(a) and (g), Transportation Code.</p> <p>SECTION 4.04. Amends Section 223.203(e-2), Transportation Code.</p> <p>SECTION 4.06. Amends Section 223.208(e), Transportation Code.</p> <p>Amends statute to open use of CDAs not only to tolled roads but also to traditional state highways. Design-build is currently allowed for CDAs for tolled roads, so extending CDAs to traditional highway projects also allows design-build to be used for them.</p> <p>Senate Floor Amendment 1, Section 7, Hegar Senate Floor Amendment 1, Section 9, Hegar</p>	

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	SECTION 4.11. The change in law made by this article to Section 223.201(a), Transportation Code, does not apply to a comprehensive development agreement entered into by the Texas Department of Transportation under Section 227.023, Transportation Code, before the effective date of this Act. A comprehensive development agreement entered into under Section 227.023, Transportation Code, before the effective date of this Act is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.	
SECTION 4.02. Repeals Section 223.105, Transportation Code (dealing with notification of the commission by the director regarding the award of an emergency highway improvement contract).	No equivalent provision.	
No equivalent provision.	SECTION 4.05. Section 223.203(m), Transportation Code, is amended to read as follows: (m) The department may pay an unsuccessful private entity that submits a responsive proposal in response to a request for detailed proposals under Subsection (f) a stipulated amount in exchange for the work product contained in that proposal. A stipulated amount must be stated in the request for proposals and may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its	

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	<p>functions. The use by the department of any design element contained in an unsuccessful proposal <u>is subject to the private entity's acceptance of the stipulated amount</u>, is at the sole risk and discretion of the department, and does not confer liability on the recipient of the stipulated amount under this section. After <u>acceptance and</u> payment of the stipulated amount:</p> <p style="padding-left: 40px;">(1) the department owns with the unsuccessful proposer jointly the rights to, and may make use of any work product contained in, the proposal, including the technologies, techniques, methods, processes, ideas, and information contained in the project design; and</p> <p style="padding-left: 40px;">(2) the use by the unsuccessful proposer of any portion of the work product contained in the proposal is at the sole risk of the unsuccessful proposer and does not confer liability on the department.</p>	
No equivalent provision.	SECTION 4.02. Amends Section 223.205, Transportation Code by amending Subsections (a), (b), (d), (f), and (g) and adding Subsections (h) and (i). Provides that a performance and payment bond, or alternative form of security, is only required to cover construction work and not, for example, operations and maintenance. Authorizes, as an alternative form of security, outstanding debt and equity contributed by the private entity that will not be recoverable in the event of termination for developer default. Requires the Commission to annually prepare a	

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	report on highway projects for which a CDA has been entered into with a private entity.	
No equivalent provision.	SECTION 4.07. Amends Section 223.206(b), Transportation Code. Specifies that, instead of the private entity performing necessary maintenance on a project before its return to the state, the private entity may pay TxDOT for needed maintenance at the project's end, subject to TxDOT's agreement.	
SECTION 4.03. (a) Amends Subchapter E, Chapter 223, Transportation Code, by adding Section 223.211. Sec. 223.211. APPROVAL AND CERTIFICATION. Requires that a comprehensive development agreement must be: <ul style="list-style-type: none"> • reviewed by the attorney general for legal sufficiency and signed, if approved; • reviewed by the comptroller for financial viability and signed and certified by the comptroller if approved; and • signed by the Commission. Also requires that, before entering into a comprehensive development agreement, a toll project entity must provide the state auditor with the traffic and revenue report for review and comment. House Amendment 59 (Leibowitz); House Amendment	No equivalent provision.	

House Bill 300
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
60 (Isett)		
SECTION 4.04. Amends Section 2262.003, Government Code, by adding Subsection (c), which removes an exemption for TxDOT so that the agency must include in its contracts a provision that allows the State Auditor to audit or investigate any contractor or associated subcontractor receiving funds through the contract. House Amendment 65 (Leibowitz)	No equivalent provision.	
SECTION 4.05. Amends Subchapter E, Chapter 223, Transportation Code. Specifies that a toll project entity may not enter into a CDA for a toll project that contains a provision: <ul style="list-style-type: none"> • limiting or prohibiting construction, maintenance, or other types of road-related work on a nontolled highway; or • requiring a toll project entity to reimburse a private entity for loss of toll revenue due to the construction of a nontolled highway. House Amendment 70 (Farrar), as amended by third reading House Amendment 1(Dunnam/Phillips)	No equivalent provision.	
SECTION 4.06. Section 504.401(d), Transportation Code, is amended to read as follows: (d) In this section, "state official" means:	No equivalent provision.	

House Bill 300
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
<p>appeals;</p> <p>Office;</p> <p>Commission of Texas;</p> <p>of Education.</p> <ul style="list-style-type: none"> (1) a member of the legislature; (2) the governor; (3) the lieutenant governor; (4) a justice of the supreme court; (5) a judge of the court of criminal (6) the attorney general; (7) the commissioner of the General Land (8) the comptroller; (9) a member of the Railroad (10) the commissioner of agriculture; (11) <u>the commissioners of transportation;</u> (12) the secretary of state; or (13) [(12)] a member of the State Board 		
<p>ARTICLE 5. REGULATION OF MOTOR VEHICLE DEALERS, SALVAGE VEHICLE DEALERS, AND HOUSEHOLD GOODS CARRIERS</p>	<p>Same as House version.</p>	
<p>SECTION 5.01. Section 643.153, Transportation Code, is amended to provide a process for making available criminal history information about employees of household goods carriers and to provide for refunds as part of an agreed order of complaints involving motor carriers transporting household goods</p>	<p>Same as House version.</p>	

House Bill 300
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
SECTION 5.02. Section 643.251(b), Transportation Code, is amended to remove the total penalty cap of \$30,000 for multiple violations knowingly committed by motor carriers.	Same as House version.	
SECTION 5.03. Subchapter F, Chapter 643, Transportation Code, is amended to provide for the summary suspension of the registration of a motor carrier transporting household and cease and desist orders to prohibit unregistered activity.	Same as House version.	
SECTION 5.04. Section 52.092(c), Election Code, is amended to provide for the order of the elected commissioners of transportation on the ballot. (Also amended in SECTION 1.05, above)	No equivalent provision.	
SECTION 5.05. Section 2301.654, Occupations Code, is amended to provide for specialized training if a suspension of a license is probated.	SECTION 5.04. Same as House version.	
SECTION 5.06. Subchapter Q, Chapter 2301, and Subchapter H, Chapter 2302, Occupations Code, are amended to add administrative penalty and refund authority to the regulation of motor vehicle dealers and administrative penalty authority to the regulation of salvage vehicle dealers.	SECTION 5.06. Subchapter Q, Chapter 2301, Occupations Code, is amended to clarify the authority to assess “civil” penalties is actually “administrative” penalties to reflect current authority instead of adding separate language regarding administrative penalties. Contains the same provision as in the House version regarding refund authority in the regulation of motor vehicle dealers and administrative penalty authority in regulating salvage vehicle dealers.	

<p>ARTICLE 6. REGULATION OF OUTDOOR ADVERTISING</p> <p>SECTIONS 6.01 and 6.02 amend Chapter 391, Transportation Code, to provide for the Texas Highway Beautification Fund Account in the General Revenue Fund to administer both the regulation of outdoor advertising on federal-aid roads and the regulation on rural roads and requires the Department to establish standard procedures for complaints relating to the regulation of outdoor advertising signs on federal-aid and rural roads. .</p>	<p>ARTICLE 6. REGULATION OF OUTDOOR ADVERTISING</p> <p>SECTIONS 6.01 and 6.02. Same as House version but clarifies the department's ability to provide complaint information on its website, and specifies that information files on complaints must be kept for at least 10 years.</p>	
<p>SECTION 6.03. Section 391.099(c), Transportation Code, is amended to require the Transportation Commission to ensure signs are placed in designated areas no more than 90 days after the eligible facility signs a contract. Authorizes TxDOT to erect General Services signs upon request of owners of recreational vehicle or camping areas, instead of a tourist-oriented directional sign. Requires the Commission to create rules as to the viable alternatives to the current tourist-oriented directional sign program pricing methodology to include actual visitor counts or cost plus maintenance fees.</p> <p>2nd reading amendment 67 by Flynn (HB 3197)</p>	<p>No equivalent provision.</p>	
<p>SECTION 6.04. Subchapter A, Chapter 391, Transportation Code, is amended by adding Section 391.007 to specify that if the department revokes or denies an outdoor advertising license or permit, or</p>	<p>No equivalent provision.</p>	

<p>assesses an administrative penalty related to outdoor advertising regulation, a person may request an administrative hearing to appeal the decision. Specifies that the State Office of Administrative Hearings will conduct these hearings, make findings of fact and conclusions of law, and promptly issue a decision to the commission.</p>		
<p>SECTION 6.05. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0331 to requires municipalities to pay just compensation for the removal of an outdoor advertising sign if the sign is required to be removed because of a road project and the Department's rules would allow relocation, but the municipality prohibits the relocation.</p>	<p>No equivalent provision.</p>	
<p>SECTION 6.06 to 6.08. Sections 391.035(c), 391.0355, and 391.063, Transportation Code, are amended to clarify the department's authority to assess administrative penalties in its regulation of outdoor advertising on federal-aid roads and to provide for deposit of penalties to the Texas highway beautification fund account. Also provides for standardizing the licensing fee by the number of signs on both federal-aid roads and rural roads.</p>	<p>SECTION 6.03 to 6.05. Same as House version.</p>	
<p>SECTION 6.09. Section 391.064, Transportation Code, is amended to clarify that a surety bond filed for outdoor advertising on federal-aid roads satisfies the surety requirement for rural roads.</p>	<p>No equivalent provision.</p>	
<p>SECTION 6.10 to 6.13. Sections 391.065(b), 391.066, 391.0661, and 391.254, Transportation Code, are amended to provide for standardizing the regulation of</p>	<p>SECTION 6.06 to 6.09. Similar to House version, but does not contain language specifying that enforcement action is to be related to the nature and seriousness of the violation.</p>	

<p>outdoor advertising along federal-aid and rural roads by matching the license requirements and standard enforcement provisions. Authorizes outdoor advertisers to operate on both road systems with a single license, and authorizes the Department to deny license renewal if a license holder has not complied with permit requirements on either type of road and requires enforcement action to be related to the nature and seriousness of the violation. Clarifies that civil penalties will be deposited into the Texas highway beautification fund account.</p>		
<p>SECTION 6.14 to 6.15. Sections 394.005 and 394.006, Transportation Code, are amended to provide for fees to be deposited into the Texas beautification fund account, and to provide a comparable complaint process for outdoor advertising on rural roads the same as for federal-aid roads.</p>	<p>SECTION 6.10. Same as House version.</p>	
<p>SECTION 6.16. Subchapter A, Chapter 394, Transportation Code, is amended by adding Section 394.007 to provide for municipalities to pay just compensation for the removal of an outdoor advertising sign if the sign is required to be removed because of a road project and the Department's rules would allow relocation, but the municipality prohibits the relocation.</p>	<p>No equivalent provision.</p>	
<p>SECTIONS 6.17 to 6.22 Subchapter B, Chapter 394, Transportation Code, is amended to provide for standardizing the regulation of outdoor along federal-aid and rural roads by matching the license requirements and standard enforcement provisions. Authorizes outdoor advertisers to operate on both road systems with a single license, and authorizes the Department to take enforcement action related to the nature and seriousness</p>	<p>SECTIONS 6.12 6.17 . Similar to House version, but does not contain language specifying that enforcement action is to be related to the nature and seriousness of the violation or providing for administrative hearings at SOAH.</p>	

<p>of the violation. Clarifies that fees and penalties will be deposited into the Texas highway beautification fund account. Eliminates TxDOT's Board of Variance for hearing appeals of rural road sign permit denials, and instead authorizes the executive director or designee to grant variances from rural road sign standards. Provides for administrative hearings at SOAH..</p>		
<p>SECTION 6.23. Subtitle H, Title 6, Transportation Code, is amended by adding Chapter 398 to specify that the rights associated with an off-premise sign that is lawfully in existence but no longer complies with current laws and regulations (a "non-conforming sign"), vest in the owner of the sign.</p>	<p>No equivalent provision.</p>	
<p>SECTION 6.24. Section 391.065(c), Transportation Code, is repealed to remove outdated provision.</p>	<p>SECTION 6.17. Same as House version.</p>	
<p>SECTION 6.25. Chapter 391, Transportation Code, is amended by adding Section 391.2521 to prohibit outdoor advertising that advertises a sexually-oriented business that is adjacent or visible from certain highways near the Texas-Oklahoma border. (2nd reading amendment 138 by Phil King)</p>	<p>No equivalent provision.</p>	
<p>SECTION 6.26. Subtitle H, Title 6, Transportation Code, is amended by adding Chapter 399 to require TxDOT to establish an outdoor advertising advisory committee to provide advice, information, and recommendations to the Commission regarding rules and regulations related to outdoor signs. (2nd reading amendment 139 by Phillips and amendments-to-the-amendment 140 and 141</p>	<p>No equivalent provision.</p>	

<p>ARTICLE 7. GREEN RIBBON PROJECT</p> <p>SECTIONS 7.01 and 7.02. Chapters 201 and 451, Transportation Code, are amended to require TxDOT, for each contract for a highway or a toll project in an air quality nonattainment or near-nonattainment area, to allocate one-half of one percent of the total amount of the contract for landscaping improvements. Specifies the landscaping improvements that may be included.</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 8. TEXAS DEPARTMENT OF MOTOR VEHICLES</p> <p>PART 1. GENERAL PROVISIONS</p> <p>SECTION 8.1.01. Title 7, Transportation Code, is amended by adding Subtitle M to transfer all duties related to Vehicle Titles and Registration (VTR), Motor Vehicle Division (MVD), and Motor Carrier Division (MCD), from TxDOT to a newly created Department of Motor Vehicles</p> <p>Requires the Board to establish separate advisory committees for VTR, MVD and MCD. Appointments must come from a list of persons provided by the executive director and members must be knowledgeable and represent a broad range of viewpoints. The MVD advisory committee must include a motor vehicle manufacturer and a recreational vehicle representative. The MCD advisory committee must include a motor transportation industry representative.</p> <p>Provides for 2015 Sunset date.</p> <p>Creates a nine-member oversight body comprising:</p> <ul style="list-style-type: none"> • three motor vehicle dealers, two of whom 	<p>ARTICLE 8. TEXAS DEPARTMENT OF MOTOR VEHICLES</p> <p>PART 1. GENERAL PROVISIONS</p> <p>SECTION 8.1.01. Title 7, Transportation Code, is amended by adding Subtitle M to transfer VTR, MVD, ABTPA, and functions relating to motor carrier registration and enforcement to a new Department of Motor Vehicles. General and special provisions and exceptions for vehicle size and weight and oversize/overweight permitting would remain at TxDOT.</p> <p>Provides for separate advisory committees for VTR, MVD, and MCD as in the House version but also requires at least one-half of the membership of advisory committees to be representatives of general public and defines public representation.</p> <p>Same as House version.</p> <p>Same as House version.</p>	

<p>representing franchised dealers of different classes and the other representing independent dealers;</p> <ul style="list-style-type: none"> • one manufacturer or distributor representative licensed under motor vehicle regulations; • one representative of the motor carrier industry; • one county tax assessor-collector; • one representative of a law enforcement agency of a county or municipality; and • two public members <p>Contains standard Sunset provisions related to eligibility of public members; conflicts of interest; grounds for removal; board member training; and Governor appointment of presiding officer. Provides for staggering the Board members' terms, powers of presiding officer, and specify that members are not entitled to compensation, but are entitled to reimbursement for expenses. Requires quarterly Board meetings.</p> <p>No equivalent provision.</p> <p>No equivalent provision.</p>	<p>Applies slightly different language for many standard Sunset provisions, including eligibility requirements for public member to all prospective Board members and governor appointment of the board chair. Specifies duties related to interactions with the governor on matters related to agency oversight , organizational structure, and maximizing federal funding for transportation; requires quarterly board meetings and 7-day advance delivery of the agenda; directs the board to report to the Legislature on statutory changes to improve the operation of the department and directing the board chair to report to the legislative leadership on legislative recommendations by the board related to he operations of the department; entitles board members to compensation or reimbursement for travel expenses if not compensated; and provides for grounds for removal of board members.</p> <p>Provides for the Attorney General to defend the board, department, or employees for official acts or omissions.</p> <p>Provides for members to disclose to the executive director and to recuse themselves from deliberations and Board action if they have a substantial financial interest in an entity with an interest in the matter. Defines a substantial financial interest if the person is an employee or officer or</p>	
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<p>No equivalent provision.</p> <p>Contains standard Sunset provisions related to use of technology; use of negotiated rulemaking and alternative dispute resolution; separation of policymaking and staff functions; policies for public comment; a system for acting on complaints. The bill also provides the Board with authority to adopt rules necessary to implement the powers of the new Department.</p> <p>No equivalent provision.</p> <p>No equivalent provision</p> <p>Makes the Board and employees of the Department subject to general code of ethics and standards of conduct applicable to state agencies.</p>	<p>owns more than a five percent interest in the entity. Requires the department to requires training for board members.</p> <p>Provides for the executive director to appoint deputies, assistants, and other personnel as needed to carry out powers of the Department and requires personnel to have professional and administrative experience.</p> <p>Contains standard Sunset provisions relating to separating policymaking and staff functions and public comment.</p> <p>Contains standard language formerly applied by the Sunset Commission relating to EEO policies, standards of conduct for employees, career ladders, program access, and deceptive advertising, and program access.</p> <p>Provides for the Department to adopt rules as necessary and create summary procedures for routine matters that would otherwise by subject to the Administrative Procedure Act.</p> <p>Requires the department to provide information to board members regarding qualifications and standards of conduct and makes the executive director and employees subject to the state's code of ethics and standards of conduct and other laws regulating ethical conduct.</p>	
<p>PART 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT OF</p>	<p>PART 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT OF</p>	

<p>TRANSPORTATION</p> <p>Makes conforming changes in the following Subparts and more substantive changes as specifically noted.</p> <p>SUBPART A. GENERAL PROVISIONS AND ADMINISTRATION</p> <p>No equivalent provision.</p> <p>SUBPART C. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND HIGHWAYS IN CERTAIN COUNTIES</p> <p>SUBPART D. CERTIFICATE OF TITLE ACT</p> <p>SUBPART E. REGISTRATION OF VEHICLES</p>	<p>TRANSPORTATION</p> <p>Makes conforming changes in the following Subparts.</p> <p>SUBPART A. GENERAL PROVISIONS AND ADMINISTRATION</p> <p>SUBPART B. STATE HIGHWAY TOLL PROJECTS</p> <p>SUBPART C. CAUSEWAYS, BRIDGES, TUNNELS, TURNPIKES, FERRIES, AND HIGHWAYS IN CERTAIN COUNTIES</p> <p>SUBPART D. CERTIFICATE OF TITLE ACT</p> <p>SUBPART 3. REGISTRATION OF VEHICLES</p>	
<p>SECTION 8.2E.03. Sections 502.1725(a), (f), and (g), Transportation Code, are amended to add a county that borders on Mexico that has a population of less than 50,000 and contains at least one federal military base to the authority to impose an additional registration fee, and provides for revenue to go to county treasurer if the county is not included in an RMA. Second Reading Amendment 149 by Gallego</p> <p>SUBPART F. DEALER'S AND MANUFACTURER'S VEHICLE LICENSE PLATES</p> <p>No equivalent provision.</p> <p>SUBPART G. MISCELLANEOUS PROVISIONS</p> <p>SUBPART H. OPERATION OF BICYCLES,</p>	<p>No equivalent provision.</p> <p>SUBPART F. DEALER'S AND MANUFACTURER'S VEHICLE LICENSE PLATES</p> <p>SUBPART G. SPECIALTY LICENSE PLATES</p> <p>SUBPART H. MISCELLANEOUS PROVISIONS</p> <p>SUBPART I. OPERATION OF BICYCLES, MOPEDS,</p>	

<p>MOPEDS, AND PLAY VEHICLES</p> <p>SUBPART I. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT</p>	<p>AND PLAY VEHICLES</p> <p>SUBPART J. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT</p>	
<p>No equivalent provision.</p>	<p>SUBPART K. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES</p>	
<p>SUBPART J. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT</p>	<p>No equivalent provision</p>	
<p>SECTION 8.2J.03. Subchapter A, Chapter 621, Transportation Code, is amended to requires DMV to conduct a joint study with TxDOT regarding oversize and overweight vehicles.</p>	<p>SECTION 1.33. Subchapter A, Chapter 621, Transportation Code, is amended to require TxDOT to conduct a study regarding oversize and overweight vehicles.</p>	
<p>SUBPART K. SPECIAL PROVISIONS AND EXCEPTIONS FOR OVERSIZE OR OVERWEIGHT VEHICLES</p> <p>SUBPART L. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES</p> <p>SUBPART M. IDENTIFYING MARKINGS ON CERTAIN COMMERCIAL MOTOR VEHICLES</p> <p>SUBPART N. MOTOR CARRIER REGISTRATION</p> <p>SUBPART O. SINGLE STATE REGISTRATION</p> <p>SUBPART P. MOTOR TRANSPORTATION BROKERS</p> <p>SUBPART Q. FOREIGN COMMERCIAL MOTOR TRANSPORTATION</p>	<p>No equivalent provision.</p> <p>No equivalent provision.</p> <p>No equivalent provision.</p> <p>SUBPART L. MOTOR CARRIER REGISTRATION</p> <p>SUBPART M. SINGLE STATE REGISTRATION</p> <p>SUBPART N. MOTOR TRANSPORTATION BROKERS</p> <p>SUBPART O. FOREIGN COMMERCIAL MOTOR TRANSPORTATION</p>	

<p>No equivalent provision</p> <p>No equivalent provision.</p>	<p>SUBPART P. PRIVILEGED PARKING</p> <p>SUBPART Q. ADMINISTRATIVE ADJUDICATION OF VEHICLE PARKING AND STOPPING OFFENSES</p>	
<p>SUBPART R. ABANDONED MOTOR VEHICLES</p> <p>SUBPART S. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS</p> <p>SUBPART T. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM</p> <p>SUBPART U. SALE OR LEASE OF MOTOR VEHICLES</p>	<p>SUBPART R. ABANDONED MOTOR VEHICLES</p> <p>SUBPART S. CONTRACTS FOR ENFORCEMENT OF CERTAIN ARREST WARRANTS</p> <p>SUBPART T. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM</p> <p>SUBPART U. SALE OR LEASE OF MOTOR VEHICLES</p>	
<p>SECTION 8.2U.02. Section 2301.005(a), Occupations Code, is amended to add clarifying language regarding references to “board” and “director.”</p>	<p>No equivalent provision.</p>	
<p>SECTION 8.2U.03. Sections 2301.606(a), (b), and (c), Occupations Code, are amended to clarify the board’s responsibility to conduct hearings and issue final orders rather than the director on Lemon Law cases.</p>	<p>No equivalent provision.</p>	
<p>SUBPART V. SALVAGE VEHICLE DEALERS</p>	<p>PART 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF TRANSPORTATION IN OTHER CODES</p> <p>SUBPART I. OCCUPATIONS CODE (in part)</p>	

	<p>ARTICLE 18. USED AUTOMOTIVE PARTS RECYCLERS</p> <p>SECTIONS 18.01 to 18.14 provide for transferring the regulation of automotive parts recyclers to the Texas Department of Licensing and Regulation.</p>	
<p>PART 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF TRANSPORTATION IN OTHER CODES</p> <p>Makes conforming changes in the following Subparts.</p> <p>SUBPART A. BUSINESS & COMMERCE CODE</p> <p>SUBPART B. CODE OF CRIMINAL PROCEDURE</p> <p>SUBPART C. FAMILY CODE</p> <p>SUBPART D. FINANCE CODE</p> <p>SUBPART E. GOVERNMENT CODE</p> <p>SUBPART F. HEALTH AND SAFETY CODE</p> <p>SUBPART G. HUMAN RESOURCES CODE</p> <p>SUBPART H. LOCAL GOVERNMENT CODE</p> <p>SUBPART I. OCCUPATIONS CODE</p> <p>SUBPART J. PENAL CODE</p> <p>SUBPART K. TAX CODE</p>	<p>PART 3. CONFORMING AMENDMENTS PERTAINING TO TEXAS DEPARTMENT OF TRANSPORTATION IN OTHER CODES</p> <p>Makes conforming changes in the following Subparts.</p> <p>SUBPART A. BUSINESS & COMMERCE CODE</p> <p>SUBPART B. CODE OF CRIMINAL PROCEDURE</p> <p>SUBPART C. FAMILY CODE</p> <p>SUBPART D. FINANCE CODE</p> <p>SUBPART E. GOVERNMENT CODE</p> <p>SUBPART F. HEALTH AND SAFETY CODE</p> <p>SUBPART G. HUMAN RESOURCES CODE</p> <p>SUBPART H. LOCAL GOVERNMENT CODE</p> <p>SUBPART I. OCCUPATIONS CODE</p> <p>SUBPART J. PENAL CODE</p> <p>SUBPART K. TAX COD</p>	

<p>PART 4. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS, AND RIGHTS OF ACTION</p> <p>Provides standard transitional language regarding the transfer of powers, duties, obligations as well as personnel, furniture, and equipment from the affected TxDOT divisions to the new department and providing for the orderly transition of proceedings, certificates, licenses, and other authorizations and rules to the new department on December 1, 2009. Requires the Transportation Legislative Oversight Committee to oversee the coordination and collaboration between the Texas Department of Transportation and the Texas Department of Motor Vehicles during the transition.</p>	<p>ARTICLE 43. TRANSFERS OF CERTAIN POWERS, DUTIES, OBLIGATIONS AND RIGHTS OF ACTION</p> <p>Contains the same transitional language regarding the affected divisions and also includes instructional language specifying that in addition to the positions in the divisions that are transferred to the new department, an estimated 75 other support FTEs would also transfer, subject to modification by either agency and limitations in other legislation. Requires the new Department to give first consideration to a TxDOT employee from one of the transferred divisions</p>	
<p>PART 5. APPOINTMENT OF BOARD</p> <p>Provides for the governor to appoint the members of the board of the Texas Department of Motor Vehicles before December 1, 2009.</p>	<p>ARTICLE 44. APPOINTMENT OF BOARD</p> <p>Provides for the governor to appoint the members of the board of the Texas Department of Motor Vehicles before October 1, 2009.</p>	
<p>ARTICLE 8A. TOLL COLLECTION AND ENFORCEMENT</p> <p>SECTIONS 8A.01 to 8A.07. Chapter 228, Transportation Code, is amended to authorize TxDOT to use video billing or other tolling methods to permit the registered owner of a vehicle to pay a toll on a later date. This bill also authorizes TxDOT to enter into an agreement with a governmental or private entity regarding the use of a transponder issued by TxDOT and the corresponding electronic toll collection customer</p>	<p>SECTIONS. 1.20 and 1.22 to 1.27. Similar to House version, but contains additional language, repeated in ARTICLE 29, to authorize rental car companies to submit certain electronic information to TxDOT and local tolling entities for the purpose of collecting tolls or the prosecution of an offense for the nonpayment of a toll.</p>	

<p>account to pay for parking services offered by the entity. Makes conforming to reflect the new Department of Motor Vehicles. (2nd Reading Amendment 73 by Phillips)</p> <p>Comparable provisions are contained in ARTICLE 27.</p>		
<p>ARTICLE 9. RAIL TRANSPORTATION DIVISION</p>	<p>No equivalent provision.</p>	
<p>SECTIONS 9.01 and 9.02. Subchapter A, Chapter 91, Transportation Code, is amended to define “division” as the rail transportation division within TxDOT, and specify its, including assuring that rail transportation is an integral part of the Department's planning process; coordinating and overseeing certain rail projects; and developing and planning for improved passenger and freight rail facilities</p>	<p>SECTIONS 9.01 and 9.02. Subtitle A, Title 5, Transportation Code is amended by adding Chapter 92 to create a rail division instead of rail transportation division. (Floor Amendment 11, by Carona)</p>	
<p>SECTION 9.03. Subtitle I, Title 5, Transportation Code, is amended by adding Chapter 175 to create border-region higher-speed rail authorities to finance, construct, maintain, and operate a higher-speed rail system in the Texas-Louisiana border region and the Texas-Mexico border region.</p>	<p>No equivalent provision.</p>	
<p>SECTION 9.04. Subchapter O, Chapter 201, Transportation Code, is amended by adding Section 201.979 to create a Rail Relocation Advisory group to advise the department on the implementation of rail relocation and improvement planning and projects. (2nd reading amendment 75 by McClendon and amendment-to-the-amendment 76)</p>	<p>No equivalent provision.</p>	

<p>No equivalent provision.</p>	<p>SECTION 9.03. Subchapter H, Chapter 201, Transportation Code is amended by adding Sections 201.6013 and 201.6014 to provide for the coordination of planning, construction, operation, and maintenance of a statewide passenger rail system by TxDOT.</p>	
<p>No equivalent provision.</p>	<p>SECTION 9.04. Section 1(1), Chapter 350 (S.B. 1101) Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c), Vernon’s Texas Civil Statutes is amended to provide certain reporting requirements in connection with the transportation of hazardous materials by a railroad company. Transfers the reporting requirement to TxDOT instead of the Railroad Commission.</p>	
<p>ARTICLE 10. ELECTRONIC SIGNS</p> <p>SECTION 10.01. Chapter 544, Transportation Code, is amended by adding Section 544.013 to require TxDOT to actively manage a system of changeable message signs located on highways to mitigate traffic congestion by providing current information, including information about traffic incidents; weather conditions; road construction; and alternative routes, and additional information about missing children and senior citizens; and the availability of gas, food, lodging, pharmacy services, or other information relevant during an evacuation or disaster.</p>	<p>ARTICLE 10. ELECTRONIC SIGNS</p> <p>SECTION 10.01. Similar to House version, but provides for current information to mitigate traffic congestion, including information about traffic incidents; weather conditions; road construction; and alternative routes.</p>	
<p>ARTICLE 11. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY</p> <p>SECTIONS 11.01 to 11.10 Amend Article 4413(37), Revised Statutes to provides for ABTPA to be transferred to the Governor’s Office.</p>	<p>ARTICLE 8. TEXAS DEPARTMENT OF MOTOR VEHICLES</p> <p>PART 2. TRANSFER OF DUTIES AND FUNCTIONS OF THE TEXAS DEPARTMENT OF TRANSPORTATION</p>	

	<p>SUBPART V. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY</p> <p>SECTION 8.2V.01 transfers ABTPA to the new department.</p>	
<p>ARTICLE 12. STATE FINANCING OF PUBLIC TRANSPORTATION</p> <p>SECTION 12.01. Subchapter A, Chapter 456, Transportation Code, is amended by adding Section 456.009 to require the Commission to adopt rules to allocate funds to designated recipients under provisions relating to state financing of public transportation. Prohibits the Commission from distributing less than 90 percent of the total amount allocated under the formula program provided by the law and more than 10 percent of the total amount allocated under the discretionary program. Requires the rules to include a provision ensuring that no recipient of state funding under the formula and discretionary program for public transportation receives an amount of funding allocated that is less than the total amount of state funding received under those programs in the state fiscal year beginning September 1, 2003. <i>(2nd Reading Amendment 77 by Guillen)</i></p>	<p>No equivalent provision.</p>	
<p>ARTICLE 13. MEMORANDA OF UNDERSTANDING</p> <p>Requires the Board of the Department of Motor Vehicles and the Transportation Commission by rule to enter into a memorandum of understanding to coordinate their</p>	<p>ARTICLE 45. MEMORANDUM OF UNDERSTANDING</p> <p>Provides for DMV and TxDOT to enter to a joint memorandum of understanding regarding the coordination of information systems that is substantially the same as in</p>	

<p>respective information systems to allow for the sharing of information, using existing personnel and resources, so that they may effectively and efficiently perform their duties. Provides that confidential information continues to be confidential under the same requirements under which the information was originally obtained. Allows information may to be shared under the memorandum of understanding without the consent of the person who is subject of the information and allows the Board and the Commission to adopt or revise a memorandum of understanding to effectuate the specified transfer of powers and duties.</p> <p>No equivalent provision.</p>	<p>the House version, but does not provide for it to be adopted in rule and clarifies that neither agency may impose or collect a fee for the sharing of information.. Also provides that the same provisions relating the joint memorandum of understanding between TxDOT and new Department would also apply to any other memorandum of understanding entered into or revised by the two departments.</p> <p>Provides for DMV and TxDOT to enter into one or more joint memoranda of understanding in addition to the memorandum for information technology to effectuate the transfer of powers and duties of TxDOT to the new department and specifies that it may include an agreement for office space, utilities, and other facility services, and the need for TxDOT employees to provide services in addition to the positions transferred from within the divisions themselves.</p>	
<p>No equivalent provision.</p>	<p>ARTICLE 46. DEPARTMENT OF MOTOR VEHICLES TRANSITION TEAM</p> <p>Provides a transition team to plan and make recommendations for the orderly transition of obligations, property, employees, rights, powers, and duties from TxDOT to the new department.</p>	
<p>No equivalent provision.</p>	<p>ARTICLE 47. FINANCIAL AUDIT</p> <p>Adds a provision requiring the Office of the State Auditor to conduct an initial financial audit, as soon as practicable</p>	

	<p>after the effective date of the bill, to establish financial benchmarks for the Texas Department of Motor Vehicles. requires that the results of the audit be reported to the board of the Texas Department of Motor Vehicles and to the Texas Transportation Commission.</p>	
<p>ARTICLE 14. TRANS-TEXAS CORRIDOR</p>	<p>ARTICLE 19. TRANS-TEXAS CORRIDOR.</p>	
<p>SECTION 14.01. Section 11.11(j), Tax Code. SECTION 14.02. Section 25.06(c), Tax Code SECTION 14.03. Section 25.07(c), Tax Code SECTION 14.04. Sections 201.616(a) and (b), Transportation Code: SECTION 14.05. Section 202.112(a), Transportation Code: SECTION 14.06. Section 222.003(e), Transportation Code. SECTION 14.07. Section 223.201(a), Transportation Code SECTION 14.08. Section 223.206(d), Transportation Code. SECTION 14.09. Sections 223.208(b), (c), (e), and (f), Transportation Code. SECTION 14.10. Section 371.001(2), Transportation Code. SECTION 14.11. Section 371.001(a)(2), Transportation Code. SECTION 14.12. Section 371.001(2), Transportation Code. SECTION 14.13. Repealer.</p> <p>Repeal provisions authorizing the establishment, development, operation, financing, and acquisition of right of way for the Trans-Texas Corridor.</p>	<p>SECTION 19.01 through SECTION 19.06; SECTION 19.08; SECTION 19.09; SECTION 19.10 (Chapter 371, Transportation Code; SECTION 19.11; SECTION 19.12.</p> <p>Substantially the same as the House version. Deletes certain language related to Vehicles Used by Nonprofit Disaster Relief Organizations.</p>	

2nd reading amendment 78 by Leibowitz	Senate Floor Amendment 1, Items 13, 14, and 15, by Hegar; Senate Floor Amendment 2, Items 2 and 3, by Hegar.	
ARTICLE 15. AVIATION	No equivalent provision.	
SECTION 15.01. Amends Section 21.067, Transportation Code. Sec. 21.067. TEXAS AIRPORT DIRECTORY. Prohibits TxDOT from charging a fee for the Texas Airport Directory. Second Reading Amendment 81 by Hughes	No equivalent provision.	
ARTICLE 16. AVIATION FACILITIES DEVELOPMENT AND FINANCIAL ASSISTANCE	ARTICLE 23. AVIATION FACILITIES DEVELOPMENT AND FINANCIAL ASSISTANCE	
SECTION 16.01. Amends Section 21.101, Transportation Code, by amending Subsection (a) and adding Subsection (c). SECTION 16.02. Amends Section 21.105, Transportation Code, by amending Subsection (b) and adding Subsection (c). SECTION 16.03. Amends Section 21.112, Transportation Code. Expands eligibility to receive state grant funds for airport operations to an owner of an airport that is eligible to	SECTION 23.01. Same as House version. SECTION 23.02. Same as House version. SECTION 23.03. Same as House version.	

<p>receive federal funds under the federal airport improvement program and that also meets other specified criteria.</p> <p>SECTION 16.04. Amends Subchapter H, Chapter 201, Transportation Code, by adding Section 201.620.</p> <p>SECTION 16.05. Amends Subchapter D, Chapter 472, Transportation Code, by adding Section 472.035.</p> <p>Specifies that laws relating to TxDOT plans and projects and metropolitan planning organizations do not apply to planning related to the application, selection, or distribution of federal and state airport development grants.</p> <p>Second Reading Amendment 82 by Dukes as Amended by 2nd Reading Amendment to the Amendment 83 by Gattis</p>	<p>No equivalent provision.</p> <p>No equivalent provision.</p>	
<p>ARTICLE 17. AD VALOREM TAXATION OF HEAVY EQUIPMENT</p>	<p>No equivalent provision.</p>	
<p>SECTION 17.01. Amends Section 23.1242(i), Tax Code.</p> <p>Specifies that if the amount in the escrow account exceeds the amount of taxes due, the owner can choose whether to receive a refund or a credit in the amount of the excess amount.</p> <p>2nd Reading Amendment 84 by Homer</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 18. HIGH-SPEED RAIL</p>	<p>No equivalent provision.</p>	

<p>SECTION 18.01. Section 91.001, Transportation Code, is amended by adding Subdivision (3-b) to read as follows: (3-b) "High-speed rail" means passenger rail service capable of operating at speeds of more than 200 miles per hour.</p>	<p>No equivalent provision.</p>	
<p>SECTION 18.02. Chapter 91, Transportation Code, is amended by adding Subchapter G to read as follows: SUBCHAPTER G. HIGH-SPEED RAIL FACILITATION AND ANALYSIS Sec. 91.121. TEXAS HIGH-SPEED RAIL CORPORATION. (a) The commission shall create a corporation under Subchapter B, Chapter 431, for purposes of this subchapter. (b) The corporation is not subject to the limitation provided by Section 431.072. (c) The corporation must have a board of seven members, of whom: (1) three are appointed by the commission; and (2) four are appointed by the commission from a list of candidates submitted by the South Central High-Speed Rail and Transportation Authority, Inc., a local government corporation organized under Subchapter D, Chapter 431. Sec. 91.122. DEVELOPMENT OF SYSTEM. Subject to the commission's oversight and control under Chapter 431, the commission may direct the corporation created under Section 91.121 to solicit federal economic stimulus funding to be allocated for the purposes of this chapter. Sec. 91.123. SYSTEM REQUIREMENTS. A high-speed rail system developed under this subchapter must: (1) enhance connectivity to this state's largest airports; (2) enhance connectivity for and ease of passenger</p>	<p>No equivalent provision.</p>	

<p>transport to and from military installations located in this state; and (3) be developed in collaboration with high-speed rail projects in other areas of the United States to ensure interconnectivity with other federally designated high-speed rail corridors. Sec. 91.124. REPORTS. The department annually shall submit a report regarding the activities of the department and the corporation under this subchapter to: (1) the governor; (2) the lieutenant governor; (3) the speaker of the house of representatives; and (4) the standing committee of each house of the legislature that has primary jurisdiction over rail transportation issues.</p> <p>2nd reading amendment 86 by Hartnett (and amendment-to-the-amendment 87)</p>		
<p>ARTICLE 19. MEMORIAL SIGN PROGRAM</p> <p>SECTION 19.01. Sections 201.909(e), (f), and (g), Transportation Code, are amended to allow a memorial sign may remain posted for two years rather than the one year currently allowed under the program. Provides for TxDOT not to enforce the change if it determines that doing so would result in the loss of federal funds. (2nd Reading Amendment 90 by Gutierrez)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 20. TRANSPORTATION PROJECT FINANCING</p> <p>SECTIONS 20.01 and 20.02. Sections 201.943(d) and 222.103(a) Transportation Code, are amended to</p>	<p>No equivalent provision.</p>	

<p>authorize the use of the Texas Mobility Fund as a revolving fund to provide loans or grants to public entities for state highway projects, publicly owned toll road projects, and other public transportation projects. Also allows the Commission to require the repayment of money from the Mobility Fund. (2nd Reading Amendment 91 by Pickett)</p>		
<p>ARTICLE 21. NOTIFICATION BY DEPARTMENT REGARDING HIGHWAY CONSTRUCTION PROJECTS.</p> <p>SECTION 21.01. Section 203.022(c), Transportation Code, is amended to require TxDOT to provide written notice or electronic notice to the governing body of a city not later than the 14th day before the Department begins construction of a state highway project in the city. (2nd reading amendment 92 by Chris Turner and 93, by Pickett)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 22. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEMS</p> <p>SECTION 22.01. Subchapter D, Chapter 201, Transportation Code, is amended by adding Section 201.210 to give TxDOT jurisdiction regarding photographic traffic signal enforcement systems (red light cameras). Prohibits new red light cameras and phases-out renewal of contracts for existing red light cameras after June 1, 2009. Requires the change interval in a light with red light cameras to be one second longer than the minimum. (2nd reading amendment 101 by Elkins and 102 by Elkins))</p>	<p>ARTICLE 32. Same as House version.</p> <p>No equivalent provision</p>	

No equivalent provision.	SECTIONS 32.01 and 32.03. Section 707.002, Transportation Code Section 1001.002, Education Code, are amended to authorize cities to require red-light violators, caught by red light cameras, to take an intersection safety course in lieu of paying a fine.	
No equivalent provision.	SECTION 32.02. Chapter 707, Transportation Code, is amended to prohibit a local authority from imposing a civil penalty on the owner of an authorized emergency vehicle.	
No equivalent provision.	<p>ARTICLE 33. AUTOMATIC LICENSE PLATE IDENTIFICATION CAMERAS</p> <p>SECTION 33.01. Subchapter C, Chapter 202, Transportation Code, is amended by adding Section 202.062 to authorize agreements between TxDOT and DPS or federal or local law enforcement agencies to locate automatic license plate identification cameras on right-of-way. The camera could only be used for enforcement of a United States or Texas penal law other than a traffic violation that is a misdemeanor, or for locating a missing child, missing senior citizen, or a person for whom the governor has issued an alert by executive order.</p>	
No equivalent provision.	<p>ARTICLE 34. APPLICATION FOR DEALER GENERAL DISTINGUISHING NUMBER</p> <p>SECTIONS 34.01 to 34.03. Section 503.029, Transportation Code, is amended to require new applicants for independent automobile dealers licenses to complete a TxDOT-approved dealer education course that must be at least 8 hours and no more than 12 hours. Applies to persons seeking to become independent dealers after September 1, 2010 and grandfathers anyone filing an</p>	

	application before that date.	
No equivalent provision.	<p>ARTICLE 35. USE OF CERTAIN VEHICLES FOR LAW ENFORCEMENT PURPOSES</p> <p>SECTIONS 35.01 and 35.02. Sections 541.201 and 545.421, Transportation Code, are amended to add federal law enforcement vehicles to the definition of "authorized emergency vehicle," and clarifies the definition of a "police vehicle" as including a vehicle owned or leased by a governmental entity or commissioning institution, or a private vehicle owned or leased by the peace officer that is approved for use for law enforcement purposes. Also requires an officer's vehicle to bear the insignia of a law enforcement agency.</p>	
<p>ARTICLE 23. REGIONAL MOBILITY AUTHORITIES</p> <p>SECTIONS 23.01 to 23.17. Chapters 370 and 371, Transportation Code are amended to change the use of funds and the powers, duties, and operations of regional mobility authorities (RMAs), including authorizing an RMA to participate in the state travel management programs administered by the Comptroller; and borrow money from or enter into a loan agreement or other arrangement with TxDOT, or any other public or private entity. <i>(2nd Reading Amendment 103 by Phillips and Amendment 104 by Pickett)</i></p>	No equivalent provision.	
ARTICLE 24. COUNTY ROAD AND BRIDGE FUND	No equivalent provision.	
SECTION 24.01. Section 256.001, Transportation Code, is amended to authorize the use of the county road and	No equivalent provision.	

<p>bridge fund for purchasing right-of-way for public roads or bridges; or constructing and maintaining public roads or bridges, including the hiring of labor and the purchase of materials, supplies, and equipment. Requires the commissioners court, in spending the vehicle registration fees for county road purposes, to regard the roads and highways of the county as a system to be built, improved, and maintained as a whole for all people and precincts of the county. (2nd Reading Amendment 107 by Pickett)</p>		
<p>ARTICLE 25. HIGHWAY AND OVERPASS DESIGNATIONS</p>	<p>ARTICLE 22. Same as House version.</p>	
<p>SECTION 25.01. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.080 to designate the structure on U.S. Highway 259 that passes over State Highway 155 in Upshur County as the Trooper Todd Dylan Holmes Memorial Overpass, and requires TxDOT to erect markers. 2nd reading amendment 112 by Hughes</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 26. HIGHWAY, OVERPASS, AND BRIDGE DESIGNATIONS</p>	<p>No equivalent provision.</p>	
<p>SECTION 26.01. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.081 to designate the structure on Loop 338 that passes over I-20 in Ector County as the Buddy West Memorial Overpass. Requires the Department to erect markers. Adds Section 225.082, Transportation Code, to designate the Presidio International Bridge as the Representative</p>	<p>SECTION 22.01. Same as House version. No equivalent provision.</p>	

<p>Richard C. Slack Bridge. Requires the Department to erect markers. 2nd reading amendment 113 by Swinford (and amendment-to-the-amendment 114)</p>		
<p>ARTICLE 27. MOTOR VEHICLE RENTAL INFORMATION RELATING TO THE PAYMENT OF TOLLS</p> <p>SECTIONS 27.01 to 27.06. Sections 228.055, 228.056, 284.0701, 284.0702, and 366.178, Transportation Code are amended to authorize rental car companies to submit certain electronic information to TxDOT and local tolling entities for the purpose of collecting tolls or the prosecution of an offense for the nonpayment of a toll. Makes conforming changes to reflect the new Department of Motor Vehicles. (2nd reading amendment 120 by Phillips and 121, by Pickett)</p> <p>Comparable provisions are contained in ARTICLE 8A.</p>	<p>ARTICLE 29. Toll Collections.</p> <p>SECTIONS 29.01 to 29.06. Similar to House version, but also contains language requiring certain regional mobility authorities to send notice of nonpayment no later than 90 days after the alleged failure to pay.</p> <p>Comparable provisions are contained in ARTICLE 1.</p>	
<p>ARTICLE 28. STATE HIGHWAY TOLL PROJECTS</p>	<p>No equivalent provision.</p>	
<p>SECTION 28.01. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.060 to require the Department to adopt uniform standards for toll project signs to allow a driver to clearly determine they are entering a toll project, any toll payment restriction and the amount of the toll. Requires the signs to be placed so that a driver can safely determine not to enter the toll project. 2nd reading amendment 122 by Hochberg</p>	<p>No equivalent provision.</p>	

<p>ARTICLE 29. DETERMINATION OF PRIMACY FOR TOLL PROJECT DEVELOPMENT</p>	<p>No equivalent provision.</p>	
<p>SECTION 29.01. Subchapter A, Chapter 228, Transportation Code, is amended by adding Section 228.0112 to read as follows: Sec. 228.0112. DETERMINATION OF PRIMACY FOR TOLL PROJECTS IN CERTAIN AREAS. (a) In this section "local toll project entity" means an entity, other than the department, that is authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including: (1) a regional tollway authority under Chapter 366; (2) a regional mobility authority under Chapter 370; or (3) a county acting under Chapter 284. (b) A transaction involving a local toll project entity under Section 228.011, Section 228.0111, or other applicable law that provides for a process under which a local toll project entity has the first option to develop, finance, construct and operate the toll project is not primarily commercial in nature but is an inherently governmental transaction whose purpose is to determine governmental jurisdiction, ownership, control, or other responsibilities with respect to a project. (c) Any determination of value, including best value, under this Section 228.011, Section 228.0111, or other applicable federal or state law for a comprehensive development agreement or other public-private partnership arrangement involving a toll project for which a local toll project entity has exercised its rights to develop the toll project and has complied with all applicable conditions in Section 228.011, Section 228.0111 or other applicable law that provides for a process under which the local toll project entity has the</p>	<p>No equivalent provision but provisions relating to primacy in ARTICLE ____ (?)</p>	

<p>first option to develop, finance, construct and operate the toll project must take into consideration factors the entity determines appropriate, including factors related to:</p> <ul style="list-style-type: none"> (1) oversight of the toll project; (2) maintenance and operations costs of the toll project; (3) the structure and rates of tolls; (4) economic development impacts of the toll project; <p>and</p> <ul style="list-style-type: none"> (5) social and environmental benefits and impacts of the toll project. <p>(d) Notwithstanding Section 228.011(a), Section 228.011 applies to a local toll project entity and any toll project located in the territory of a local toll project entity following the expiration of the date provided in Section 228.011(r), unless the toll project is subject to other law that provides for a process under which the local toll project entity has the first option to develop, finance, construct and operate the toll project. For the purposes of applying Section 228.011, the provisions of that section referencing a county are applicable to a local toll project entity to the same extent as a county, regardless of whether the local toll project entity is acting under Chapter 284, Chapter 366, or Chapter 370.</p> <p>(e) For the purpose of determining primacy for developing toll projects under applicable law, the following local toll project entities may exercise the right of first option before the North Texas Tollway Authority:</p> <ul style="list-style-type: none"> (1) a municipality acting under Chapter 431; (2) Collin County; and (3) the Grayson County regional mobility authority. 		
<p>SECTION 29.02. Chapter 223, Transportation Code, is amended by adding Sections 223.2011 to read as follows:</p>	<p>No equivalent provision.</p>	

Sec. 223.2011. CDA AUTHORITY IN POPULOUS COUNTY FOR CERTAIN PROJECTS.

(a) This Subsection applies only to (i) the portion of I-69 and the Trans-Texas Corridor and any successor project located in a county with a population of 3.3 million or more and any adjacent county, (ii) any comprehensive development agreement or related agreement entered into by the department in connection with such projects, and (iii) any toll or other projects in the region the revenues or assets of which are to be used in connection with the financing of such projects.

(b) As used in this Subsection the term "region" means a county with a population of 3.3 million or more and the counties that are adjacent to that county.

(c) Any payments, project savings, refinancing dividends, and any other revenue, including surplus revenue, received by the commission or the department under the comprehensive development agreement or any related agreement, and any revenue attributable to any toll or other projects in the region, shall be used only to pay the costs or to finance the construction, maintenance, or operation of transportation projects or air quality projects in the region.

(d) No third party shall have any rights under the comprehensive development agreement or any related agreement that conflicts with, infringes on or impairs the rights of any county with respect to the development or operation of any project under Section 228.011 or Section 228.0111 or other applicable law that provides for a process under which the county has the first option to develop and operate a project.

(e) A comprehensive development agreement and any related agreement that includes a provision that grants a private entity the right to finance and develop a toll project in the region or collect and receive toll revenue from a project in the region shall not be effective unless

the agreement meets the requirements of this Section.		
<p>ARTICLE 30. TOLL PROJECT ENTITIES</p> <p>Second reading House Floor Amendment 125 (Pickett), as amended by:</p> <ul style="list-style-type: none"> • Second reading Amendment 126 (Yvonne Davis); • Second reading Amendment 127 (Herrero) • Second reading Amendment 128 (Pickett) • Second reading Amendment 129 (Pickett) • Second reading Amendment 130 (Paxton) • Third reading Amendment 13 (Wayne Smith) • Third reading Amendment 18 (Yvonne Davis) 	No equivalent provision.	
<p>SECTION 30.01. Subchapter B, Chapter 366, Transportation Code, is amended by adding Sections 366.040 and 366.041 to specify that the books and records of a local toll project entity for which the entity uses state highway right-of-way are subject to audit by TxDOT and the state auditor and to require a regional tollway authority in a county with a population of 250,000 or more to designate a person to maintain the transaction register of the authority's checking account in a searchable electronic format.</p>	No equivalent provision.	
<p>SECTION 30.02 through 30.04. Chapter 371, Transportation Code, as added by Chapters 103 (H.B. 570) and 258 (S.B. 11), Acts of the 80th Legislature, Regular Session, 2007, is reenacted, redesignated as Chapter 372, Transportation Code, and amended to add to definitions in current law to specify that a "local toll project entity" means a toll project entity other than TxDOT. Permits a toll project entity to establish a veteran discount program that includes free or discounted use of the toll project by certain veterans. Prohibits a toll</p>	No equivalent provision.	

project entity from requiring nonprofit disaster relief organization vehicles to pay a toll.

Requires toll project entities, for each contract for a toll project in an air quality nonattainment or near-nonattainment area, to allocate one-half of one percent of the total amount of the contract for landscaping improvements. Specifies the landscaping improvements that may be included. (note: similar landscaping provision for TxDOT highway projects in SECTION 7.01)

Subjects the books and records of a local toll project entity to audit by TxDOT and the State Auditor's Office. Prohibits a person who enters into or submits a proposal for a contract with a local toll project entity from making a political contribution to a person who is a member of the governing body of the entity. Provides further that persons proposing to contract or contracting with TxDOT or any board or agency of this state whose governing members are appointed by the Governor may not make a political contribution to the Governor's campaign.

Prohibits various acts of local toll project entities and individuals, including: use of money to support the candidacy of a person for an office in the legislative, executive, or judicial branch of state or national government; use official authority or influence to interfere with or affect an election or achieve any other political purpose; and other prohibitions.

Prohibits use of the entity's funds for employing a person who is required to register as a lobbyist. Prohibits a toll project entity or the office of the Governor from using funds to attempt to influence the passage or defeat of a

<p>legislative measure. Prohibits a person from serving as a consultant, advisor, auditor, or other expert in connection with a contract of a local toll project entity or TxDOT if the person has a financial interest in the contract.</p> <p>Provides that restrictions imposed on a local toll project entity by these provisions apply equally to a private entity in relation to a CDA or other public-private partnership for a toll project. Provides for other prohibitions related to local toll project entities, TxDOT, or the Governor's office.</p> <p>Repeals sections of the Transportation Code relating to toll project promotion: (1) Section 228.004 (Promotion of Toll Project); (2) Section 284.072 (Promotion of Toll Roads); (3) Section 366.181 (Promotion of Toll Roads); and (4) Section 370.180 (Promotion of Transportation Project). Note: 228.004 is amended in other Section of the House version, see SECTION 3.03 and SECTION 3.07</p>		
<p>ARTICLE 31. REGIONAL MOBILITY AUTHORITIES</p>	<p>No equivalent provision.</p>	
<p>SECTION 31.01 through SECTION 31.07. Chapter 370, Transportation Code, is amended to add provisions regarding the creation of a municipal mobility authority (MMA). Defines an MMA as a regional mobility authority. Specifies that a municipality that borders the United Mexican States and has a population of 105,000 or more may create and participate in an MMA. The governing body of a municipality that creates an MMA by ordinance or resolution may provide that the governing body of the municipality serves as the board</p>	<p>No equivalent provision.</p>	

<p>of the authority, with the presiding officer of the governing body of the municipality serving as the presiding officer of the board. Specifies that the Transportation Commission does not govern the creation of an MMA, cannot refuse to authorize the creation of an MMA, and may not order its dissolution. Provides that an MMA may not be dissolved unless approved by the governing body of the municipality that created the MMA and sets out the process for dissolution. Also, allows an elected official to serve as director of an MMA. (2nd Reading Amendments 131, 132, and 133 by Pickett; and 3rd Reading Amendment 14 by Pickett)</p>		
<p>ARTICLE 32. COMPREHENSIVE DEVELOPMENT AGREEMENTS</p>	<p>ARTICLE 28. NONCOMPETITION PROVISIONS IN COMPREHENSIVE DEVELOPMENT AGREEMENTS</p>	
<p>SECTION 32.01. Section 371.003, Transportation Code, is amended to read as follows: Sec. 371.103. PROHIBITION AGAINST NONCOMPETITION PROVISIONS [LIMITING OR PROHIBITING CONSTRUCTION OF TRANSPORTATION PROJECTS]. (a) A comprehensive development agreement may not contain a provision that limits or prohibits the construction, reconstruction, expansion, rehabilitation, operation, or maintenance of a highway or other transportation project, as that term is defined by Section 370.003, by the toll project entity or other governmental entity, or by a private entity under a contract with the toll project entity or other governmental entity. (b) A [Except as provided by Subsection (c), a] comprehensive development agreement may not contain a provision authorizing the toll project entity to compensate the private participant in the agreement for</p>	<p>SECTION 28.01. Sections 371.103(b) and (c), Transportation Code, as added by Chapter 264 (S.B. 792), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows: (b) Except as provided by Subsection (c), a comprehensive development agreement may contain a provision authorizing the toll project entity to compensate the private participant in the agreement for the loss of toll revenues attributable to the construction by the entity of a limited access highway project located within an area that extends up to four miles from either side of the centerline of the project developed under the agreement, less the private participant's decreased operating and maintenance costs attributable to the highway project, if any. A provision under this subsection may be effective only for a period of 30 years or less from the effective date of the agreement. (c) A comprehensive development agreement may not</p>	

the loss of toll revenues attributable to the construction of a highway project by the entity [of a limited access highway project located within an area that extends up to four miles from either side of the centerline of the project developed under the agreement, less the private participant's decreased operating and maintenance costs attributable to the highway project, if any].

[(c) A comprehensive development agreement may not require the toll project entity to provide compensation for the construction of:

[(1) a highway project contained in the state transportation plan or a transportation plan of a metropolitan planning organization in effect on the effective date of the agreement;

[(2) work on or improvements to a highway project necessary for improved safety, or for maintenance or operational purposes;

[(3) a high occupancy vehicle exclusive lane addition or other work on any highway project that is required by an environmental regulatory agency; or

[(4) a transportation project that provides a mode of transportation that is not included in the project that is the subject of the comprehensive development agreement.

[(d) The private participant has the burden of proving any loss of toll revenue resulting from the construction of a highway project described by Subsection (b).

[(e) A comprehensive development agreement that contains a provision described by Subsection (b) must require the private participant to provide compensation to the toll project entity in the amount of any increase in toll revenues received by the private participant that is attributable to the construction of a highway project described by Subsection (b), less the private participant's increased operation and maintenance costs attributable to the highway project, if any.]

require the toll project entity to provide compensation for the construction of:

(1) a highway project contained in the state transportation plan or a transportation plan of a metropolitan planning organization in effect on the effective date of the agreement;

(2) work on or improvements to a highway project necessary for improved safety, or for maintenance or operational purposes;

(3) a high occupancy vehicle exclusive lane addition or other work on any highway project that is required by an environmental regulatory agency; [or]

(4) a transportation project that provides a mode of transportation that is not included in the project that is the subject of the comprehensive development agreement; or

(5) a highway designated an interstate highway.

<p>No equivalent provision.</p>	<p>SECTION 28.02. (a) The change in law made by this Act to Section 371.103, Transportation Code, does not apply to:</p> <p>(1) the DFW Connector project in Tarrant and Dallas Counties (State Highway 114 from State Highway 114L Business to east of International Parkway and State Highway 121 from north of FM 2499 to south of State Highway 360);</p> <p>(2) the North Tarrant Express project in Tarrant and Dallas Counties (IH 820 and State Highway 121/State Highway 183 from IH 35W to State Highway 161, IH 820 east from State Highway 121/State Highway 183 to Randol Mill Road, and IH 35W from IH 30 to State Highway 170);</p> <p>(3) the State Highway 99 (Grand Parkway) project;</p> <p>(4) the IH 635 managed lanes project in Dallas County (IH 635 from east of Luna Road to Greenville Avenue and IH 35E from south of the Loop 12/IH 35E split to south of Valwood Parkway); or</p> <p>(5) the Loop 9 project in Dallas County.</p> <p>(b) A project described by Subsection (a) of this section is governed by Section 371.103, Transportation Code, as that section existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.</p>	
<p>ARTICLE 33. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL PROJECT</p>	<p>ARTICLE 30. Same as House version.</p>	
<p>SECTION 33.01. Chapter 372, Transportation Code, is amended by adding Section 372.053 to define "transponder" as a device, placed on or in a motor vehicle that is capable of transmitting information used</p>	<p>No equivalent provision.</p>	

<p>to assess or collect tolls. Requires a toll entity to waive any fees and penalties for the failure to pay a toll while driving or towing a vehicle through a toll booth or plaza if a transponder was properly installed and used, but the failure to collect the tolls is due solely to the transponder or toll equipment error. Authorizes the toll project entity to notify the owner of the vehicle to which the transponder is registered that it must be replaced and is not required to waive subsequent fees and penalties. (2nd Reading Amendments 136 and 137 by Hochberg)</p>		
<p>No equivalent provision</p>	<p>SECTION 30.01. (a) The heading to Section 371.052, Transportation Code, as added by Chapter 264 (S.B. 792), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows: Sec. 371.052. NOTIFICATION TO LEGISLATIVE BUDGET BOARD [AND STATE AUDITOR]. (b) Section 371.052(c), Transportation Code, as added by Chapter 264 (S.B. 792), Acts of the 80th Legislature, Regular Session, 2007, is repealed.</p> <p>Existing statute in 371.052(c): Before entering into a comprehensive development agreement, a toll project entity shall provide the state auditor with the traffic and revenue report prepared by the toll project entity or its consultant for the project. The entity may not enter into the comprehensive development agreement before the 30th day after the date that the state auditor receives the report so that the state auditor may review and comment on the report and the methodology used to develop the report.</p>	
<p>ARTICLE 34. TEXAS LOCAL PARTICIPATION TRANSPORTATION PROGRAM</p>	<p>No equivalent provision.</p>	

<p>SECTION 34.01. Chapter 403, Government Code, is amended by adding Subchapter O to provides for the creation and administration of the Texas Local Participation Transportation Program. Creates the Texas Participation Transportation Fund, a dedicated account in the General Revenue Fund. The Comptroller would provide grants and loans to a municipality, county, regional mobility authority, or regional tollway authority for eligible toll or non-toll road projects as determined by the Comptroller. Money deposited to the new Fund would consist of money transferred to the fund at the direction of the legislature, gifts and grants, interest and earnings from investments of the fund, and money repaid by local project sponsors. (2nd Reading Amendment 142 by W. Smith)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 35. PUBLIC TRANSPORTATION ADVISORY COMMITTEE</p>	<p>No equivalent provision.</p>	
<p>SECTION 35.01 and SECTION 35.02. Sections 455.004(a), (b), and (c), Transportation Code, are amended to change the makeup of the Public Transportation Advisory Committee to consist of 9 members who reflect the diversity and the state and who are appointed by the governor, lieutenant governor, and the speaker who each appoint:</p> <ul style="list-style-type: none"> • one member represents a diverse cross-section of public transportation providers • one member who represents a diverse cross-section of transportation users; and • one member who represents the general public. <p>(2nd Reading Amendment 143 Phillips)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 36. SPECIALTY LICENSE PLATES</p>	<p>No equivalent article [note: clean-up of specialty license</p>	

	plate statutes occurs in ARTICLE 40 as part of “Vision 21”]	
SECTION 36.01 through SECTION 36.10. Chapter 504, Transportation Code, is amended to allows a private entity to provide the sale of personalized specialty license plates and allows the director of the department to set the fees. (2nd Reading Amendment # 150 Phillips)	No equivalent provision.	
SECTION 36.11 through SECTION 36.23 Chapter 504, Transportation Code, is amended to increase the number of license plates a state official may receive, from three to four, and clarifies language regarding federal, state, and county official specialty license plates. (2nd Reading Amendment # 151 Gallego)	No equivalent provision.	
SECTION 36.24. Section 504.409, Transportation Code, is amended to creates a specialty license plate for volunteer firefighters (2nd Reading Amendment # 152 Hughes)	No equivalent provision.	
SECTION 36.25. Subchapter E, Chapter 504, Transportation Code, is amended by adding Sections 504.415 and 504.416 to create a specialty license plate for Justices of the Peace and Municipal Judges (2nd Reading Amendment # 153 Guillen)	No equivalent provision.	
SECTION 36.26. Section 504.614, Transportation Code, is amended by adding Subsection (d) to create a specialty license plate with the insignia of the San Antonio Spurs, with a percentage of the money deposited to the credit of the Texas parks and wildlife conservation and capital account (2nd Reading Amendment # 154 Martinez Fischer)	No equivalent provision.	

<p>SECTION 36.27. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.659 to read as follows:</p> <p>Sec. 504.659. CHOOSE LIFE LICENSE PLATES AND CHOOSE ADOPTION LICENSE PLATES. (a) The department shall issue specially designed license plates that include the words "Choose Life" and "Choose Adoption." The department shall design the license plates in consultation with the attorney general.</p> <p>(b) After deduction of the department's administrative costs, the department shall deposit the remainder of the fee for issuance of license plates under this section in the state treasury to the credit of the Choose Life and Choose Adoption account established by Section 402.035, Government Code.</p>	<p>ARTICLE __. CHOOSE LIFE LICENSE PLATES; CHOOSE LIFE ACCOUNT; CHOOSE LIFE ADVISORY COMMITTEE</p> <p>SECTION __.01. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.659 to read as follows:</p> <p>Sec. 504.659. CHOOSE LIFE LICENSE PLATES. (a) The department shall issue specially designed license plates that include the words "Choose Life." The department shall design the license plates in consultation with the attorney general.</p> <p>(b) After deduction of the department's administrative costs, the department shall deposit the remainder of the fee for issuance of license plates under this section in the state treasury to the credit of the Choose Life account established by Section 402.035, Government Code.</p>	
<p>SECTION 36.28. Subchapter B, Chapter 402, Government Code, is amended by adding Sections 402.035 and 402.036 to read as follows:</p> <p>Sec. 402.035. CHOOSE LIFE AND CHOOSE ADOPTION ACCOUNT. (a) The Choose Life and Choose Adoption account is a separate account in the general revenue fund. The account is composed of:</p> <p>(1) money deposited to the credit of the account under Section 504.659, Transportation Code; and</p> <p>(2) gifts, grants, donations, and legislative appropriations.</p> <p>(b) The attorney general administers the Choose Life and Choose Adoption account. The attorney general may spend money credited to the account only to:</p> <p>(1) make grants to an eligible organization; and</p> <p>(2) defray the cost of administering the account.</p> <p>(c) The attorney general may not discriminate against an</p>	<p>SECTION __.02. Subchapter B, Chapter 402, Government Code, is amended by adding Sections 402.035 and 402.036 to read as follows:</p> <p>Sec. 402.035. CHOOSE LIFE ACCOUNT. (a) The Choose Life account is a separate account in the general revenue fund. The account is composed of:</p> <p>(1) money deposited to the credit of the account under Section 504.659, Transportation Code; and</p> <p>(2) gifts, grants, donations, and legislative appropriations.</p> <p>(b) The attorney general administers the Choose Life account. The attorney general may spend money credited to the account only to:</p> <p>(1) make grants to an eligible organization; and</p> <p>(2) defray the cost of administering the account.</p> <p>(c) The attorney general may not discriminate against an eligible organization because it is a religious or nonreligious organization.</p>	

eligible organization because it is a religious or nonreligious organization.

(d) The attorney general may accept gifts, donations, and grants from any source for the benefit of the account.

(e) The attorney general by rule shall establish:

(1) guidelines for the expenditure of money credited to the Choose Life and Choose Adoption account; and

(2) reporting and other mechanisms necessary to ensure that the money is spent in accordance with this section.

(f) Money received by an eligible organization under this section may be spent only to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation, to provide for the needs of infants who are awaiting placement with adoptive parents, to provide training and advertising relating to adoption, and to provide pregnancy testing or preadoption or postadoption counseling, but may not be used to pay an administrative, legal, or capital expense.

(g) In this section, "eligible organization" means an organization in this state that:

(1) qualifies as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986;

(2) provides counseling and material assistance to pregnant women who are considering placing their children for adoption;

(3) does not charge for services provided;

(4) does not provide abortions or abortion-related services or make referrals to abortion providers;

(5) is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers; and

(6) does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers.

(d) The attorney general may accept gifts, donations, and grants from any source for the benefit of the account.

(e) The attorney general by rule shall establish:

(1) guidelines for the expenditure of money credited to the Choose Life account; and

(2) reporting and other mechanisms necessary to ensure that the money is spent in accordance with this section.

(f) Money received by an eligible organization under this section may be spent only to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation, to provide for the needs of infants who are awaiting placement with adoptive parents, to provide training and advertising relating to adoption, and to provide pregnancy testing or preadoption or postadoption counseling, but may not be used to pay an administrative, legal, or capital expense.

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(4) does not provide abortions or abortion-related services or make referrals to abortion providers;

(5) is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers; and

(6) does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers.

Sec. 402.036. CHOOSE LIFE ADVISORY COMMITTEE. (a) The attorney general shall appoint a

<p>Sec. 402.036. CHOOSE LIFE AND CHOOSE ADOPTION ADVISORY COMMITTEE. (a) The attorney general shall appoint a seven-member Choose Life and Choose Adoption advisory committee.</p> <p>(b) The committee shall:</p> <p>(1) meet at least twice a year or as called by the attorney general;</p> <p>(2) assist the attorney general in developing rules under Section 402.035(e); and</p> <p>(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life and Choose Adoption account.</p> <p>(c) Members of the committee serve without compensation and are not entitled to reimbursement for expenses. Each member serves a term of four years, with the terms of three or four members expiring on January 31 of each odd-numbered year.</p> <p>(2nd Reading Amendment # 155 Isett)</p>	<p>seven-member Choose Life advisory committee.</p> <p>(b) The committee shall:</p> <p>(1) meet at least twice a year or as called by the attorney general;</p> <p>(2) assist the attorney general in developing rules under Section 402.035(e); and</p> <p>(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life account.</p> <p>(c) Members of the committee serve without compensation and are not entitled to reimbursement for expenses. Each member serves a term of four years, with the terms of three or four members expiring on January 31 of each odd-numbered year.</p> <p>(Senate Floor Amendment 9 by Carona)</p>	
<p>SECTION 36.29. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4011 to create a specialty license plate for elected city officials, municipal judges, and justices of the peace. (2nd Reading Amendment # 156 Martinez as Amended by 2nd Reading Amendment to the Amendment # 157 Martinez)</p>	<p>No equivalent provision.</p>	
<p>SECTION 36.30. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.414 to create a specialty license plate for professional firefighters with a percentage of the fee deposited to be used for grants to firefighter organizations for emergency relief and college</p>	<p>No equivalent provision.</p>	

<p>scholarship funds to the professional firefighters and their dependents. (2nd Reading Amendment # 158 Hughes as Amended by 2nd Reading Amendment to the Amendment # 159 Hughes)</p>		
<p>SECTION 36.31. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.6151 to create a specialty license plate for the "Notre Dame Alumni Association." (2nd Reading Amendment # 160 Leibowitz)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 37. TRAFFIC-CONTROL SIGNALIZATION STUDY</p>	<p>No equivalent provision.</p>	
<p>SECTION 37.01. Chapter 544, Transportation Code, is amended by adding Section 544.014 to require the department to conduct a study regarding improvement of traffic-control signalization to promote more efficient traffic flow, including a reduction in idling time. Prohibits the department from spending more than \$200,000 on the study. Requires the results to be reported by Dec. 1, 2010. (2nd Reading Amendment 162 by Callegari)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 38. USE OF SAFETY BELTS BY VEHICLE OPERATORS</p>	<p>No equivalent provision.</p>	
<p>SECTION 38.01. Sections 545.412(e) and (f), Transportation Code, are amended to remove third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation from the list of persons for whom an offense to the Child Passenger Safety Seat</p>	<p>No equivalent provision.</p>	

<p>System does not apply. Also, changes the definition of "passenger vehicle" to include a "passenger van designed to transport 15 or fewer passengers, including the driver" (2nd Reading Amendment 164 by Naishtat)</p>		
<p>SECTION 38.02 and 38.02A. Section 545.413(e), Transportation Code, is amended to add operators of or passengers in a vehicle used exclusively to transport solid waste and who perform duties that require frequent entry into and exit from the vehicle to the list of persons exempted from wearing a seat belt. (2nd Reading Amendment 163 by Hughes)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 39. MOTOR VEHICLE SAFETY RESPONSIBILITY</p>	<p>No equivalent provision.</p>	
<p>SECTION 39.01. Section 601.053, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to provide that not showing documentation of financial responsibility to a peace officer is not a violation of the Motor Vehicle Safety Responsibility Act if the peace officer determines, through use of the Financial Responsibility Verification Program established under Subchapter N, that financial responsibility has been established for the vehicle. (2nd Reading Amendment 165 by Alonzo)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 40. MOTOR CARRIER OVERSIZE AND OVERWEIGHT PERMITS</p>	<p>No equivalent provision.</p>	
<p>SECTION 40.01 and 40.02. Subchapter D, Chapter 623, Transportation Code, is amended by adding Section 623.0711 and Section 623.071(h) to provide for the</p>	<p>No equivalent provision.</p>	

<p>department to issue a permit to a motor carrier to transport multiple loads of the same commodity over a state highway if all of the loads are traveling from and to the same general locations. Specifies that the permit may not violate federal size and weight regulations. Requires the department to determine that the state will benefit from such a permit and to complete a route and engineering study. Also requires that a motor carrier receiving the permit to file a bond to cover any damage that is sustained to a state highway. 2nd Reading Amendment 166 by Swinford</p>		
<p>No equivalent provision.</p>	<p>ARTICLE 40. CERTIFICATES OF TITLE; VEHICLE REGISTRATION</p> <p>SECTIONS 40.001 to 40.230. Amends Chapters 501, 502, 504, 520, and 681, Transportation Code, and Section 386.251(c), Health and Safety Code. Updates, streamlines, and modernizes current law relating to motor vehicles. Consolidates statutes into separate chapters addressing titles, license plates, registration of vehicles, and general administration. Also allows for the use of technology by eliminating statutory barriers to new technology and making more transactions available online, while retaining the option of paper or in person transactions.</p>	
<p>No equivalent provision.</p>	<p>ARTICLE 41. MOBILITY IMPROVEMENTS</p> <p>SECTIONS 41.01 to 41.62. Adds Chapters 92 and 18, and amends Section 502.003, Transportation Code. Amends Chapter 162, Tax Code. Requires the department to coordinate the planning, construction, operation, and maintenance of a statewide passenger rail system. Requires the department by January 1, 2010 to select at</p>	

	<p>least one MPO to design, construct, and implement an urban passenger rail demonstration project and other mobility improvements. Limits the department to selection no more than five demonstration programs in a year. Creates an application process and authorizes MPO's of a certain size to apply to the department to be selected as the urban passenger rail demonstration program. If selected as a demonstration program, the counties within that MPO are granted certain local option funding powers. Authorizes the powers in up to five regions selected by TxDOT and only authorizes three methods of finance (gas tax, driver's license fee, and a mobility improvement fee). Requires the counties in the region selected by TxDOT to call an election to ask voters to approve projects and approve the methods of finance.</p>	
<p>ARTICLE 41. COUNTY TRAFFIC OFFICERS</p>	<p>ARTICLE 11. Same as House version.</p>	
<p>SECTION 41.01 and SECTION 41.02. Section 701.006, Transportation Code, is amended, and Section 701.002(b), Transportation Code, is repealed to remove the provisions authorizing the district engineer of TxDOT district in which a county traffic officer operates, if the county traffic officer fails to perform the officer's duty to enforce the law, to send a written, signed complaint to the commissioners court; requiring the court to hold a hearing and summon the officer; and discharge the officer and employ another if the court determines at the hearing that the officer has not performed the officer's duty. Also repeals a provision requiring a TxDOT district engineer to advise a county traffic officer on enforcement of state laws regulating highway traffic. (2nd Reading Amendment 167 by Phillips)</p>	<p>SECTION 11.01 and SECTION 11.02. Same as House version.</p>	

ARTICLE 42. ABANDONED AND JUNKED VEHICLES	ARTICLE 36. Same as House version.	
SECTION 42.01. Section 683.071, Transportation Code, is amended to eliminate the requirement that a vehicle have both an expired license plate and an invalid motor vehicle inspection certificate. Requires instead only that the vehicle have an expired or missing license plate, or an invalid or missing motor vehicle inspection certificate. (2nd Reading Amendment 168 by Bohac)	SECTION 36.01. Same as House version.	
ARTICLE 43. TRANSPORTATION OF FIREWORKS	No equivalent provision.	
SECTION 43.01. Chapter 750, Transportation Code, is amended by adding Section 750.004 to states that the transportation of fireworks in unopened and original packaging may not be prohibited or regulated. (2nd Reading Amendment 169 by Isett)	No equivalent provision.	
ARTICLE 44. K-9 LAW ENFORCEMENT VEHICLES	No equivalent provision.	
SECTION 44.01 and 44.02. Subchapter A, Chapter 821, Health and Safety Code, is amended by adding Section 821.005 to authorize a heat alarm system to be installed by law enforcement agencies, including DPS, the sheriff's department of a county, or the police department of a municipality, in any K-9 vehicle. Requires the heat alarm system, activated when the vehicle stops running or the temperature in the vehicle's interior becomes dangerous to a police dog in that vehicle, to activate an audible alarm, automatically lower the vehicle's rear windows, and page the K-9	No equivalent provision.	

<p>officer. Specifies that this does not apply to an open-air vehicle. (2nd Reading Amendment 170 by Alonzo)</p>		
<p>ARTICLE 45. ACCEPTANCE OF ELECTRONIC CHECK AND CREDIT CARD PAYMENTS BY COUNTY TAX ASSESSOR-COLLECTORS</p>	<p>No equivalent provision.</p>	
<p>SECTION 45.01 and 45.02. Subchapter A and B, Chapter 130, Local Government Code, is amended by adding Section 130.0025 and Section 130.00465 to require that county tax assessor-collectors accept a check or credit card invoice for the payment of motor vehicle registration fees and motor vehicle title transfer fees and to accept payment by electronic means as conditional payment of a county or state fee or tax. (2nd Reading Amendment 171 by Gallego)</p>	<p>No equivalent provision.</p>	
<p>ARTICLE 46. TEMPORARY TAGS FOR MOTOR VEHICLES</p>	<p>No equivalent provision.</p>	
<p>SECTION 46.01. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0619 to require the department to evaluate the material authorized for use in a temporary motor vehicle tag; alternative materials available for use in a temporary motor vehicle tag; the visibility of various tag materials in different types of weather and light conditions; and the effectiveness of different tag materials. Requires the department to seek assistance of law enforcement in evaluating the materials. Provides that if the department determines the materials currently authorized are not effective, the Commission shall by rule adopt new specifications for temporary motor vehicle tags.</p>	<p>No equivalent provision.</p>	

Requires the evaluation be done by September 1, 2010. (3rd Reading Amendment 17 by Menendez)		
ARTICLE 47. EFFECTIVE DATE	ARTICLE 48. Same as House version.	
SECTION 47.01. This Act takes effect September 1, 2009.	SECTION 48.01. Same as House version.	