

1-1 By: Pickett, et al. (Senate Sponsor - Nichols) H.B. No. 13
 1-2 (In the Senate - Received from the House May 4, 2015;
 1-3 May 5, 2015, read first time and referred to Committee on
 1-4 Transportation; May 18, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 13 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to categories of and funding allocation for transportation
 1-22 projects by the Texas Department of Transportation and local
 1-23 transportation entities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter P, Chapter 201, Transportation Code,
 1-26 is amended by adding Sections 201.9901 and 201.9902 to read as
 1-27 follows:

1-28 Sec. 201.9901. DEFINITIONS. In this subchapter:

1-29 (1) "Planning organization" means:

1-30 (A) a metropolitan planning organization; or

1-31 (B) for an area that is not within the boundaries
 1-32 of a metropolitan planning organization, the department district
 1-33 that serves the area.

1-34 (2) "Project" means a connectivity or new capacity
 1-35 roadway project in the region of a planning organization. The term
 1-36 does not include a safety project, bridge project, federal
 1-37 discretionary project, maintenance project, or preservation
 1-38 project.

1-39 (3) "Region" means the area for which a planning
 1-40 organization develops plans under this subchapter.

1-41 (4) "Transportation official" means an official in a
 1-42 political subdivision who has responsibility for planning and
 1-43 implementation of transportation projects.

1-44 Sec. 201.9902. UPDATE TO TRANSPORTATION FUNDING CATEGORIES
 1-45 AND ALLOCATION FORMULAS. (a) Not later than October 1, 2015, the
 1-46 commission shall initiate a process to review the categories and
 1-47 formulas adopted under Sections 201.991(b)(2) and 201.996.

1-48 (b) The review process must include an effort by the
 1-49 department to seek the collective input of all planning
 1-50 organizations in the state. The department shall convene meetings
 1-51 as necessary to facilitate discussions among planning
 1-52 organizations that will result in a consensus recommendation among
 1-53 a majority of the planning organizations as to updated funding
 1-54 categories and funding allocation formulas.

1-55 (c) Not later than May 1, 2016, the commission shall adopt
 1-56 rules implementing updated funding categories and funding
 1-57 allocation formulas. To the extent that the adopted categories or
 1-58 funding allocation formulas differ from the consensus
 1-59 recommendations of the planning organizations, the commission must
 1-60 provide a detailed written explanation for the differences. The

2-1 explanation must be made available on the department's Internet
2-2 website.

2-3 (d) This section expires September 1, 2017.

2-4 SECTION 2. Subchapter P, Chapter 201, Transportation Code,
2-5 is amended by adding Sections 201.9911, 201.9921, 201.9931, and
2-6 201.9932 to read as follows:

2-7 Sec. 201.9911. PLANNING ORGANIZATION 10-YEAR PLAN. (a)

2-8 Each planning organization shall develop a 10-year transportation
2-9 plan for the use of the funding allocated to the region. The
2-10 department shall assist the planning organizations by providing in
2-11 a timely manner such information as is reasonably requested by the
2-12 planning organizations.

2-13 (b) The plan must identify the items described by Section
2-14 201.9921(b) as applicable to the planning organization and the
2-15 funding of transportation projects in the region.

2-16 (c) The first four years of the plan shall be developed to
2-17 meet the transportation improvement plan requirements of 23 U.S.C.
2-18 Section 134 or 135, as applicable.

2-19 (d) For an area that is not within the boundaries of a
2-20 metropolitan planning organization, the department district shall
2-21 develop the 10-year transportation plan with input from municipal
2-22 and county elected officials and transportation officials in the
2-23 region.

2-24 Sec. 201.9921. TEN-YEAR CASH FLOW PROJECTION. (a) Not
2-25 later than September 1 of each odd-numbered year, the department's
2-26 chief financial officer shall prepare and publish a cash flow
2-27 forecast for a period of not less than 10 years.

2-28 (b) The forecast must identify:

2-29 (1) the aggregate amount of all sources of funding
2-30 available for eligible transportation projects;

2-31 (2) the amount previously committed to eligible
2-32 transportation projects based on actions of the commission;

2-33 (3) the amount not committed to projects but that the
2-34 department anticipates allocating during the forecast period
2-35 through formulas adopted under Section 201.996; and

2-36 (4) the sources of all funds projected to be available
2-37 during the forecast period, including bond proceeds, and an
2-38 estimation of debt service payments associated with the bond
2-39 proceeds.

2-40 (c) The first two years of the forecast must be based on the
2-41 appropriation of funds in the General Appropriations Act for the
2-42 department for that biennium.

2-43 Sec. 201.9931. PROJECT RECOMMENDATION AND PRIORITIZATION.

2-44 (a) Each planning organization shall recommend projects in its
2-45 region and prioritize them using the criteria developed under
2-46 Section 201.9932 and in accordance with 23 U.S.C. Section 135.

2-47 (b) For an area not located within the boundaries of a
2-48 metropolitan planning organization, the applicable department
2-49 district shall recommend projects and prioritize them with input
2-50 from municipal and county elected officials and transportation
2-51 officials using the criteria developed under Section 201.9932 and
2-52 in accordance with 23 U.S.C. Section 135.

2-53 (c) The department shall compile the project
2-54 recommendations of the planning organizations to develop the
2-55 statewide transportation plan in accordance with 23 U.S.C. Section
2-56 135.

2-57 Sec. 201.9932. PROJECT RECOMMENDATION CRITERIA. Each
2-58 planning organization shall develop its own project recommendation
2-59 criteria, which must include consideration of:

2-60 (1) projected improvements to congestion and safety;

2-61 (2) projected effects on economic development
2-62 opportunities for residents of the region;

2-63 (3) available funding;

2-64 (4) effects on the environment, including air quality;

2-65 (5) socioeconomic effects, including
2-66 disproportionately high and adverse health or environmental
2-67 effects on minority or low-income neighborhoods; and

2-68 (6) any other factors considered appropriate by the
2-69 planning organization, including local criteria that focus on

3-1 objectives unique to the organization's jurisdiction.

3-2 SECTION 3. Section 201.996, Transportation Code, is amended
3-3 by adding Subsection (d) to read as follows:

3-4 (d) The commission may not consider transferring funds
3-5 between categories by any method outside the established formulas
3-6 or allocating funds subject to the discretion of the commission
3-7 unless:

3-8 (1) the commission considers the transfer or
3-9 allocation at a regularly scheduled commission meeting; and

3-10 (2) the department presents to the commission a
3-11 written explanation of the transfer, including the need and
3-12 justification for the deviation from the formula allocation or use
3-13 of discretionary funds, at a regularly scheduled commission meeting
3-14 held in the month before the meeting described by Subdivision (1).

3-15 SECTION 4. This Act takes effect immediately if it receives
3-16 a vote of two-thirds of all the members elected to each house, as
3-17 provided by Section 39, Article III, Texas Constitution. If this
3-18 Act does not receive the vote necessary for immediate effect, this
3-19 Act takes effect September 1, 2015.

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