

BILL ANALYSIS

Senate Research Center

S.B. 312
By: Nichols; Taylor, Van
Transportation
6/16/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this bill is to enact the recommendations of the Sunset Advisory Commission (Sunset) regarding the Texas Department of Transportation (TxDOT). After a decade of intense legislative scrutiny including multiple Sunset reviews, frequent leadership changes, and continuing organizational flux, TxDOT is now embarking on another high-stakes transition as it prepares to spend billions of dollars in new funding provided by voters and the legislature. Generally, Sunset found TxDOT has made good-faith efforts to address previous concerns, but improvements most critical to its ability to meet high expectations are far from complete. Sunset's recommendations aim to keep pressure on TxDOT to follow through on many critical improvements needed to meet the high expectations that come with significant new funding. TxDOT is subject to abolishment under the Sunset Act on September 1, 2017, unless continued by the legislature. Sunset recommended continuing TxDOT for 12 years along with several other statutory modifications that are contained in this legislation.

The legislation addresses issues differently from current law by:

- requiring TxDOT to adopt one clear set of overall transportation goals and measures, publish an analysis linking funding decisions with these goals, and create an online dashboard report clearly communicating progress;
- requiring TxDOT to evaluate a project's strategic need before and separately from other factors when selecting and prioritizing projects;
- requiring TxDOT to clarify roles and responsibilities of TxDOT and planning organizations, streamline public information requirements relating to the Unified Transportation Program, and improve the project tracker system;
- requiring TxDOT to finalize implementation of its new process to monitor project development in each TxDOT district and publicly share resulting performance information;
- requiring TxDOT to implement standard contract oversight tools to improve timeliness of its traditional low-bid highway construction projects, including a broader range of contract remedies, more accurate liquidated damage amounts, and a new contractor evaluation process;
- requiring TxDOT to provide the legislature thorough analysis and options for the future of the state's aging aircraft fleet, and tightening accountability for state agency use of the planes;
- requiring electronic submission of law enforcement crash reports and elimination of an unnecessary driver crash report, redirecting data entry costs to traffic safety projects, and continuing TxDOT for the standard 12-year period. (Original Author's/Sponsor's Statement of Intent)

S.B. 312 amends current law relating to the continuation and functions of the Texas Department of Transportation, authorizes an increase in rates charged for the use of state aircraft to provide for the acquisition of replacement aircraft, and creates a criminal offense.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission (TTC) in SECTIONS 14, 18, 20, 21, and 23 (Sections 201.991, 201.998, 201.9992, 203.023 and 223.012, Transportation Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Transportation (TxDOT) in SECTION 31 (Section 228.0547, Transportation Code) of this bill.

Rulemaking authority previously granted to TTC is modified in SECTION 19 (Section 201.9991, Transportation Code) of this bill.

Rulemaking authority previously granted to the State Aircraft Pooling Board (SAPB) is transferred to TxDOT in SECTIONS 64 and 69 (Sections 2205.038 and 2205.043, Government Code) of this bill.

Rulemaking authority previously granted to SAPB is rescinded in SECTION 74 (Section 2205.010, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.069(a), Transportation Code, as follows:

(a) Requires the Texas Department of Transportation (TxDOT) to establish a state airport in Central Texas that is open to the general public. Deletes existing text requiring TxDOT to establish the airport in consultation with the State Aircraft Pooling Board (SAPB).

SECTION 2. Amends Section 201.059, Transportation Code, as follows:

Sec. 201.059. New heading: COMMISSION MEMBER TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of the Texas Transportation Commission (TTC) from voting, deliberating, or being counted as a member in attendance at a meeting of TTC until the person completes a training program that complies with this section. Deletes existing text requiring a person to complete certain training to be eligible to take office as a member of TTC.

(b) Requires that the training program provide the person with information regarding:

(1) the law governing TxDOT operations, rather than this subchapter;

(2) the programs, functions, rules, and budget of, rather than the programs operated by, TxDOT;

(3) the scope of and limitations on the rulemaking authority of TTC, rather than the role and functions of TxDOT;

(4) the results of the most recent formal audit of TxDOT, rather than the rules of TxDOT. Deletes existing Subdivision (5) relating to a requirement to provide the current TxDOT budget;

(5) redesignates existing Subdivision (7) as Subdivision (5). The requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest, rather than the open meetings law, Chapter 551 (Open Meetings), Government Code; and

(B) other laws applicable to members of TTC in performing their duties, rather than the open records law, Chapter 552 (Public Information), Government Code. Deletes existing Paragraph (C), relating to providing information relating to the requirements of administrative procedure law, Chapter 2001 (Administrative Procedure), Government Code. Deletes existing Subdivision (8), relating to the requirement to provide information relating to the requirements of conflict of interest laws and other laws relating to public officials; and

(6) redesignates existing Subdivision (9) as Subdivision (6). Any applicable ethics policies adopted by TxDOT, rather than TTC, or the Texas Ethics Commission.

(c) Provides that a person appointed to TTC is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after the person qualifies for office. Deletes existing text providing that a person appointed to TTC is entitled to reimbursement for certain expenses as provided by the General Appropriations Act and as if the person were a member of TTC.

(d) Requires the executive director of TxDOT (director) to create a training manual that includes the information required by Subsection (b). Requires the director to distribute a copy of the training manual annually to each TTC member. Requires each TTC member, on receipt of the training manual, to sign and submit to the director a statement acknowledging receipt of the training manual.

SECTION 3. Amends Section 201.204, Transportation Code, to provide that, unless continued in existence as provided by Chapter 325 (Sunset Law), Government Code, TxDOT is abolished September 1, 2029, rather than September 1, 2017.

SECTION 4. Amends Sections 201.601(a-1) and (d), Transportation Code, as follows:

(a-1) Includes clearly defined transportation system strategies and other related performance measures among the required content of a statewide transportation plan.

(d) Makes conforming and nonsubstantive changes.

SECTION 5. Amends Section 201.6013, Transportation Code, as follows:

Sec. 201.6013. LONG-TERM PLAN FOR STATEWIDE PASSENGER RAIL SYSTEM. (a) Requires TxDOT to:

(1) deletes existing text requiring that the plan required by this subdivision be updated annually. Creates this subdivision from existing text; and

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

(b) Creates this subsection from existing text. Requires that information contained in the plan include:

(1) through (3) makes no changes to these subdivisions;

(4) an analysis of short-term and long-term effects of each proposed passenger rail system on state and local road connectivity, including effects on oversized or overweight vehicles and other commercial traffic;

(5) an analysis of the effect of each proposed passenger rail system on statewide transportation planning, including the effect on future state and local road construction and maintenance needs;

(6) creates this subdivision from existing text and makes no further changes to this subdivision; and

(7) redesignates existing Subdivision (5) as Subdivision (7) and makes no further changes to this subdivision.

SECTION 6. Amends Section 201.6015, Transportation Code, as follows:

Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. Requires TxDOT, in developing each of its transportation plans and policy efforts, to:

(1) creates this subdivision from existing text and makes a nonsubstantive change;

(2) include in the plan or policy effort the transportation system strategies, goals and measurable targets, and other related performance measures established under Section 201.601(a-1)(1) (relating to a requirement for a plan to contain certain criteria); and

(3) specify how the plan or policy effort supports the specific goals established under Section 201.601(a-1)(1). Makes nonsubstantive changes.

SECTION 7. Amends Subchapter I, Chapter 201, Transportation Code, by adding Section 201.705, as follows:

Sec. 201.705. AESTHETIC ENTRANCES AND ORNAMENTAL DECORATIONS. Authorizes TxDOT to enter into agreements with local governments, convention and visitors bureaus, chambers of commerce, or other governmental or nongovernmental entities for the purpose of purchasing supplies and materials to be used for aesthetic entrances to municipalities or census designated places along interstate highways or highway corridors or ornamental decorations along overpasses, provided that TxDOT is prohibited from expending appropriated funds solely to plan, design, or construct aesthetic entrances to municipalities or census designated places along interstate highways or highway corridors or ornamental decorations along overpasses.

SECTION 8. Amends Section 201.806(a), Transportation Code, to require TxDOT to publish certain statistical information annually or more frequently on TxDOT's Internet website.

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

(a) Redefines "department project."

(g) Requires TxDOT to conduct a comprehensive review of the project information reporting system; in conducting the required review, incorporate feedback from internal and external users of the system and advice from the TxDOT office responsible for public involvement; and develop a plan for implementing any needed improvements to the system.

(h) Requires TxDOT to conduct the review required by Subsection (g)(1) (relating to requiring TxDOT to conduct a comprehensive review of the system) on a regular basis, as specified by TTC rule.

SECTION 10. Amends Subchapter J, Chapter 201, Transportation Code, by adding Section 201.8075, as follows:

Sec. 201.8075. STATEWIDE TRANSPORTATION PLAN DASHBOARD. (a) Defines "dashboard."

(b) Requires TxDOT to develop and prominently display on TxDOT's Internet website a dashboard that clearly communicates to the public certain information relating to certain transportation system strategies and goals established under Section 201.601(a-1)(1) and TxDOT's progress in meeting these strategies and goals.

(c) Requires that the dashboard be in a format that is easy to navigate.

(d) Requires TxDOT to regularly update the information displayed on the dashboard and publish on TxDOT's Internet website the methodology and data used to determine TxDOT's progress.

SECTION 11. Amends Section 201.808, Transportation Code, by adding Subsection (i), as follows:

(i) Requires TxDOT to:

(1) conduct a comprehensive analysis regarding the effect of funding allocations made to funding categories described by Section 201.991(b) (relating to requiring TTC to create certain rules) and project selection decisions on accomplishing the goals described in the statewide transportation plan under Section 201.601 (Statewide Transportation Plan);

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

(3) update the analysis as part of TxDOT's annual update to the unified transportation program under Section 201.992 (Annual Update to Unified Transportation Program) and any other formal update to that program, and the evaluation and report required by Section 201.809 (Statewide Transportation Report);

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

(5) publish the methodology and data used to create the analysis on TxDOT's website and make the methodology and data available to the metropolitan planning organizations, the public, and TTC under Subdivision (2).

SECTION 12. Amends Section 201.809(a), Transportation Code, as follows:

(a) Requires TxDOT to promptly publish the report required by this subsection on TxDOT's Internet website in summary form. Includes the analysis required by Section 201.808(i) among the required content of the report.

SECTION 13. Amends Subchapter J, Chapter 201, Transportation Code, by adding Section 201.812, as follows:

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

(b) Requires that the report required by Subsection (a), for each project listed in the report, specify whether the project was completed on schedule, ahead of

schedule, or behind schedule and on budget, under budget, or over budget, and include any change orders.

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

(b-1) Requires TTC by rule to adopt a policy comprehensively explaining TxDOT's approach to public involvement and transparency related to the unified transportation program; and require TxDOT to, at a minimum, make a report on any change to the unified transportation program available on TxDOT's Internet website and provide the report to TTC in a public meeting, regardless of any rules adopted for public hearings and approvals.

(d) Requires TTC to collaborate with local transportation entities in developing the rules required by Subsection (b) (relating to requiring TTC to adopt certain rules), rather than by this section.

(e) Requires TTC to collaborate with stakeholders in developing the policy required by Subsection (b-1)(1) (relating to requiring TTC adopt a certain policy relating to TxDOT).

SECTION 15. Amends Section 201.992(b), Transportation Code, to include the analysis required by Section 201.808(i) among the required content of the annual update.

SECTION 16. Amends Sections 201.993(a) and (c), Transportation Code, as follows:

(a) Requires TxDOT to develop and publish annually a forecast of all funds TxDOT expects to receive, including funds from this state and the federal government, on TxDOT's Internet website.

(c) Makes a conforming change.

SECTION 17. Amends Section 201.995, Transportation Code, by adding Subsection (d), as follows:

(d) Requires TTC, in prioritizing and approving projects under Section 201.9991 (Prioritization and Approval of Projects by Commission) that are included in the unified transportation program, to first evaluate projects on strategic need and potential contribution toward meeting the transportation goals established under Section 201.601(a-1)(1). Authorizes TTC, after conducting that initial evaluation, to conduct a secondary evaluation based on other factors such as funding availability and project readiness.

SECTION 18. Amends Section 201.998, Transportation Code, as follows:

Sec. 201.998. New heading: DISTRICT PROJECT PORTFOLIOS. (a) Requires each TxDOT district to develop a certain consistently formatted project portfolio, rather than work program, covering a period of at least four years.

(b) Requires TxDOT to develop comprehensive performance measures for key steps in the project development process for projects included in each district's project portfolio. Requires TxDOT to use the performance measures developed under this subsection to track and report whether each district is developing an appropriate mix of projects and on track to meet letting targets that are consistent with applicable TxDOT policy governing when a project should be bid on for a contract awarded by TxDOT. Deletes existing text requiring that the work program contain certain information relating to the progress of certain projects.

(c) Requires TxDOT to conduct a review of project development activities in each district's project portfolio on a regular basis and use the review to monitor and evaluate the performance of each district. Deletes existing text requiring TxDOT

to use the work program to monitor and evaluate the performance of a district and its employees.

(d) Requires TxDOT, in conducting the review required by Subsection (c), to, when appropriate, seek input from key stakeholders such as local government project sponsors or metropolitan planning organizations. Deletes existing text requiring TxDOT to publish the work program in certain media.

(e) Requires TTC to adopt rules as necessary to administer this section.

(f) Requires TTC to adopt and regularly update rules governing the overall planning, review, and monitoring process created by this section; specifying how planning and project stakeholders can become involved in the process; and requiring TxDOT to regularly report results under this section to TTC and the public and specifying the method for reporting those results.

(g) Requires TTC to consult a stakeholder group before adopting or updating rules under Subsection (f).

SECTION 19. Amends Section 201.9991(a), Transportation Code, to require TTC by rule to prioritize and approve certain projects, including projects in the unified transportation program under Section 201.991.

SECTION 20. Amends Subchapter P, Chapter 201, Transportation Code, by adding Section 201.9992, as follows:

Sec. 201.9992. ROLES AND RESPONSIBILITIES OF DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS. (a) Requires TTC to adopt rules governing the alignment of TxDOT's state and federal funding forecasts, including the annual funding forecast required by Section 201.993 (Annual Funding and Cash Flow Forecasts), with the funding forecasts of metropolitan planning organizations, including certain transportation plans and cooperation with metropolitan planning organizations.

(b) Requires that a rule adopted under Subsection (a)(3) (relating to TxDOT's required timelines and review process for the 10-year transportation plans) take into consideration a metropolitan planning organization's other deadlines and requirements in federal law.

(c) Requires TTC to consult a stakeholder group before developing the rules required by Subsection (a).

SECTION 21. Amends Subchapter B, Chapter 203, Transportation Code, by adding Section 203.023, as follows:

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

SECTION 22. Amends Section 222.103(a), Transportation Code, as follows:

(a) Requires TTC to require the repayment of any money spent. Deletes existing text authorizing TTC to require the repayment of any money spent by TxDOT for the cost of a toll facility of a public entity and requiring TTC to require the repayment of any money spent by TxDOT for the cost of a toll facility of a private entity.

SECTION 23. Amends Section 223.012, Transportation Code, as follows:

Sec. 223.012. CONTRACTOR PERFORMANCE. (a) Requires TTC, rather than TxDOT, to adopt rules to:

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

(2) develop and implement a certain schedule for liquidated damages. Creates this subdivision from existing text; and

(3) develop a contractor performance evaluation process and an evaluation tool that allows for a certain review and contains certain criteria for modifying a contractor's bidding capacity. Deletes existing text requiring TxDOT to conduct a review to determine whether TTC rules or state law should be changed to realize significant cost and time savings on state highway projects. Creates this subsection from existing text.

(b) Requires TTC, in developing the rules required by Subsection (a)(1), to consult with industry contractors; and consider contract remedies used by other state agencies and departments of transportation in other states. Deletes existing text requiring TxDOT to file a certain report.

(c) Requires that the rules adopted under Subsection (a)(2) include criteria for identifying projects that have a significant impact on the traveling public and require TxDOT to calculate project-specific liquidated damages for those projects that reflect the true cost of travel delays.

(d) Requires TTC to consult with industry contractors in developing the evaluation tool required by Subsection (a)(3).

(e) Requires that the rules adopted under Subsection (a)(3) provide for a process for contractors to appeal the contractors' evaluations; and include criteria for the use of the evaluations by TxDOT to address contractor performance problems.

(f) Requires that rules adopted under this section require contractual provisions providing for the consideration of sufficient time and TxDOT to consider any events outside a contractor's control before assessing a penalty against the contractor.

SECTION 24. Amends Subchapter B, Chapter 223, Transportation Code, by adding Section 223.051, as follows:

Sec. 223.051. VERIFICATION BY CONTRACTORS. (a) Defines "E-verify program."

(b) Prohibits TxDOT from awarding a contract for the construction, maintenance, or improvement of a highway in this state to a contractor unless the contractor and any subcontractor register with and participate in the E-verify program to verify employee information. Requires the contractor and any subcontractor to continue to participate in the program during the term of the contract.

(c) Requires TxDOT to develop procedures for the administration and enforcement of this section.

SECTION 25. Amends Subchapter B, Chapter 224, Transportation Code, by adding Section 224.034, as follows:

Sec. 224.034. HIGHWAY CLOSURES DURING CERTAIN PERIODS. (a) Requires TxDOT, if a proposed improvement of the state highway system requires the closing of a highway, to, before entering into a contract for the proposed improvement, coordinate the highway closure by communicating in person or by telephone call, e-mail, or other direct method of communication with public officials from municipalities affected by the

closure to avoid any adverse economic impact on the municipalities during periods of increased travel on the state highway system, including major state and federal holidays and school holidays and other periods of high commercial activity in the state, including limited periods in which certain items are exempted from the sales tax imposed by Chapter 151 (Limited Sales, Excise, and Use Tax), Tax Code.

(b) Requires that a contract for the proposed improvement of the state highway system that requires the closing of a highway as described by Subsection (a) include a provision identifying the days on which the highway is prohibited from being closed.

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

SECTION 26. Amends Subchapter B, Chapter 225, Transportation Code, by adding Sections 225.123 through 225.133, as follows:

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

(b) Requires TxDOT, subject to Section 225.021(c), (relating to prohibiting TxDOT from designing, constructing, or erecting a marker unless a grant or donation of funds is made to cover the cost), to design and construct markers indicating the designation as the Rosa Parks Memorial Parkway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Senator Chris Harris Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the State Trooper Bill Davidson Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Veterans Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Titus County Vietnam Veterans Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Texas Game Warden Teyran "Ty" Patterson Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Kollyn Barton Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.130. BEDFORD-CARMICHAEL BRIDGE. (a) Provides that the structure on State Highway 6 located in Eastland County adjacent to Lake Cisco connecting the north and south banks of Sandy Creek is designated as the Bedford-Carmichael Bridge.

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Bedford-Carmichael Bridge and any other appropriate information and erect a marker at each end of the structure.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Sheriff Ronnie Dodds Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

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

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Sergeant David M. Furrh Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

Sec. 225.133. STAFF SERGEANT JEREMIE S. BORDER MEMORIAL HIGHWAY.
(a) Provides that the portion of State Highway 352 in the municipal limits of Mesquite is designated as the Staff Sergeant Jeremie S. Border Memorial Highway.

(b) Requires TxDOT, subject to Section 225.021(c), to design and construct markers indicating the designation as the Staff Sergeant Jeremie S. Border Memorial Highway and any other appropriate information and erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 27. Amends the heading to Section 228.054, Transportation Code, to read as follows:

Sec. 228.054. TOLL PAYMENT REQUIRED; EMERGENCY VEHICLES EXEMPT.

SECTION 28. Amends Section 228.054(a), Transportation Code, to delete a reference to Section 228.0545.

SECTION 29. Amends the heading to Section 228.0545, Transportation Code, to read as follows:

Sec. 228.0545. TOLL NOT PAID AT TIME OF USE; INVOICE.

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

(c) Requires TxDOT to send by first class mail to the registered owner of a vehicle a written invoice containing an assessment for tolls incurred by the vehicle. Deletes existing text requiring TxDOT to send by first class mail to the registered owner of the vehicle a written notice on the total amount due; requiring that the notice specify the date, which is prohibited from being earlier than the 30th day after the date the notice is mailed, by which the amount due is required to be paid; and requiring the registered owner to pay the amount due on or before the date specified in the notice.

(d) Requires TxDOT to send the invoice required under Subsection (c) and related communications, rather than the notice required under Subsection (c) and subsequent notices, to certain addresses.

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

SECTION 31. Amends Subchapter B, Chapter 228, Transportation Code, by adding Sections 228.0546 and 228.0547, as follows:

Sec. 228.0546. INVOICE REQUIREMENTS; PAYMENT DUE DATE. Requires that an invoice containing an assessment for the use of a toll project require payment not later than the 30th day after the date the invoice is mailed and conspicuously state the amount due, the date by which the amount due is required to be paid, and that failure to pay the amount due in the required period will result in the assessment of an administrative fee.

Sec. 228.0547. PAYMENT OF TOLL INVOICE; OFFENSE. (a) Requires that a person who receives an invoice from TxDOT for the use of a toll project to, not later than the due date specified in the invoice, pay the amount owed as stated in the invoice or send a written request to TxDOT for a review of the toll assessments contained in the invoice.

(b) Authorizes TxDOT, if a person fails to comply with Subsection (a), to add an administrative fee, not to exceed \$6, to the amount the person owes. Provides that TxDOT is required to set the administrative fee by rule in an amount that does not exceed the cost of collecting the toll and is prohibited from charging a person more than \$48 in administrative fees in a 12-month period.

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

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

(e) Authorizes TxDOT to contract, in accordance with Section 2107.003 (Collection by Attorney General or Outside Agent), Government Code, with a person to collect the unpaid toll and any applicable administrative fee before referring the matter to a court with jurisdiction over the offense.

SECTION 32. Amends the heading to Section 228.055, Transportation Code, to read as follows:

Sec. 228.055. EXCEPTIONS FOR LEASED OR TRANSFERRED VEHICLE.

SECTION 33. Amends Sections 228.055(d), (d-1), and (e), Transportation Code, as follows:

(d) Provides that it is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle, rather than the application of Subsection (a) or (c), if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the invoice containing an assessment of the toll, rather than notice of nonpayment, is mailed provides to TxDOT:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date the toll was incurred, rather than of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545, with the name and address of the lessee clearly legible; or

(2) electronic data, in a format agreed on by TxDOT and the lessor, other than a photocopy or scan of a rental or lease contract, that contains certain required information covering the vehicle on the date the toll was incurred, rather than of the nonpayment under Section 228.054 or the date the vehicle was driven or towed through a toll collection facility that results in a notice issued under Section 228.0545.

(d-1) Authorizes TxDOT, if the lessor provides the required information within the period prescribed under Subsection (d), to send an invoice, rather than a notice of nonpayment, to the lessee at the address provided under Subsection (d) by first class mail before the 30th day after the date of receipt of the required information from the lessor. Deletes existing text providing that the lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense; requiring the lessee to pay a separate toll and administrative fee for each event of nonpayment; and providing that each failure to pay a toll or administrative fee under this subsection is a separate offense.

(e) Provides that it is an exception to liability of a vehicle's registered owner for a toll incurred by the vehicle, rather than the application of Subsection (a) or (c), if the registered owner of the vehicle transferred ownership of the vehicle to another person before the toll was incurred, rather than before the event of nonpayment under Section 228.054 occurred or before the date the vehicle was drive or towed through a toll collection facility that results in a notice issued under Section 228.0545, submitted

written notice of the transfer to TxDOT in accordance with Section 501.147 (Vehicle Transfer Notification), and, before the 30th day after the date the invoice is mailed, provides to TxDOT the name and address of the person to whom the vehicle was transferred. Makes conforming changes. Deletes existing text providing that the subsequent owner of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense; requiring the subsequent owner to pay a separate toll and administrative fee for each event of nonpayment under Section 228.054 or 228.0545; and providing that each failure to pay a toll or administrative fee under this subsection is a separate offense.

SECTION 34. Amends Section 228.056, Transportation Code, as follows:

Sec. 228.056. PRESUMPTIONS; PRIMA FACIE EVIDENCE; DEFENSES. (a) Deletes references to Sections 228.054 or 228.055.

(b) Provides that, in the prosecution of an offense under Section 228.0547, rather than Section 228.055(c), (d-1), or (e):

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

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

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

(c) Provides that it is a defense to prosecution under Section 228.0547, rather than Section 228.055(c), (d-1), or (e), that the motor vehicle in question was stolen before the toll was incurred, rather than before the failure to pay the proper toll occurred, and had not been recovered before the toll was incurred, rather than before the failure to pay occurred, but only if the theft was reported to the appropriate law enforcement authority before the earlier of the time the toll was incurred, rather the occurrence of the failure to pay, or eight hours after the discovery of the theft.

SECTION 35. Amends Section 228.059, Transportation Code, as follows:

Sec. 228.059. New heading: TOLL COLLECTION AND ENFORCEMENT BY OTHER ENTITY. Deletes existing text providing that a person who fails to pay a toll or administrative fee imposed by the entity commits an offense; providing that each failure to pay a toll or administrative fee imposed by the entity is a separate offense; providing that an offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of the offense under this section.

SECTION 36. Amends the heading to Subchapter E, Chapter 228, Transportation Code, to read as follows:

SUBCHAPTER E. LIMITATION ON TOLL FACILITY DESIGNATION; CONVERSION OF
NONTOLLED STATE HIGHWAY

SECTION 37. Amends Section 228.201, Transportation Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Prohibits TxDOT from operating a nontolled state highway or a segment of a nontolled state highway as a toll project, and from transferring a highway or segment to another entity for operation as a toll project, unless:

(1) and (2) makes no changes to these subdivisions;

(3) and (4) makes nonsubstantive changes and deletes existing Subdivision (5).

(c) Provides that, in determining the number of nontolled lanes required to comply with Subsection (a)(3) (relating to an exception based on the number of untolled lanes on the highway or segment), TxDOT is authorized to consider only a general-purpose lane that is part of the highway and is prohibited from considering a lane of a frontage road to be a nontolled lane before or after reconstruction of the highway.

(d) Prohibits TxDOT from operating any part of State Highway 255 in Webb County as a toll project.

SECTION 38. Amends Subchapter E, Chapter 228, Transportation Code, by adding Section 228.207, as follows:

Sec. 228.207. CÉSAR CHÁVEZ FREEWAY. (a) Defines "César Chávez Freeway."

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

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

(2) TxDOT is required to maintain the César Chávez Freeway as part of the state highway system without tolls.

SECTION 39. Amends Section 366.301(c), Transportation Code, as follows:

(c) Requires, rather than authorizes, TTC or TxDOT to require that money contributed by TTC or TxDOT under this section be repaid. Authorizes TTC or TxDOT to require that the money be repaid from tolls or other revenue of the turnpike project or system on which the money was spent.

SECTION 40. Amends Section 370.033(m), Transportation Code, as follows:

(m) Provides that, if a regional mobility authority (authority) receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund (SHF), it:

(1) creates this subdivision from existing text and makes a nonsubstantive change; and

(2) is required to repay the money.

SECTION 41. Amends Sections 370.301(c) and (f), Transportation Code, as follows:

(c) Requires, rather than authorizes, TTC or TxDOT to require that money contributed by TTC or TxDOT under this section be repaid. Authorizes TTC or TxDOT to require that the money be repaid from tolls or other revenue of the turnpike project on which the money was spent.

(f) Authorizes TTC to loan, rather than grant or loan, TxDOT money to an authority for the acquisition of land for or the construction, maintenance, or operation of a turnpike project. Requires, rather than authorizes, TTC to require the authority to repay money loaned, rather than provided, under this section. Authorizes TTC to require that the money be repaid from toll revenue or other sources on terms established by TTC.

SECTION 42. Amends Subchapter A, Chapter 372, Transportation Code, by adding Section 372.002, as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT. (a) Requires a toll project entity to repay to TxDOT any money contributed by TxDOT as participation in the cost of the entity's toll projects, including money from the SHF, the Texas Mobility Fund, or other sources available to TxDOT.

(b) Requires TxDOT, each year to, for each TxDOT district, determine the amount of money repaid to TxDOT under Subsection (a) in the previous year that is attributable to projects located in the district and, in addition to other amounts, allocate to each TxDOT district an amount of money equal to the amount determined for the district to be used for transportation projects located in that district.

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

(d) Provides that, notwithstanding any other law, including certain sections, a toll project entity is not required to repay funds held in a subaccount created under Section 228.012 (Project Subaccounts) or funds contributed by TxDOT for a project if a toll project entity commenced the environmental review process for the project on or before January 1, 2014.

SECTION 43. Amends Subchapter B, Chapter 391, Transportation Code, by adding Sections 391.038 and 391.039, as follows:

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

(b) Prohibits a sign described by Subsection (a) from being higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location or, if the main-traveled way is below grade, from the base of the sign structure.

(c) Authorizes a person to rebuild a sign described by Subsection (a) without obtaining a new or amended permit from TxDOT, provided that the sign is rebuilt

at the same location where the sign existed on March 1, 2017, and at a height that does not exceed the height of the sign on that date.

Sec. 391.039. SPACING REQUIREMENTS IN CERTAIN MUNICIPALITIES. (a) Defines "electronic sign."

(b) Prohibits TxDOT, in regulating outdoor advertising located in the corporate boundaries of a municipality with a population of more than 200,000 located in a county on the Texas-Mexico border with a population of less than 300,000, from requiring an electronic sign owned by the municipality to be more than 500 feet from another sign.

SECTION 44. Amends Section 550.025(a), Transportation Code, as follows:

(a) Deletes existing Subdivision (3) requiring the operator of a vehicle involved in certain accidents to report the accident under certain circumstances. Makes nonsubstantive changes.

SECTION 45. Amends Section 550.062(b), Transportation Code, effective September 1, 2019, to require that the required report be filed electronically.

SECTION 46. Amends Section 550.064(b), Transportation Code, as follows:

(b) Requires that an accident report form prepared by TxDOT require that certain information be included in a report made by a person investigating, rather than a person involved in or investigating, the accident.

SECTION 47. Amends Section 550.065(a), Transportation Code, as follows:

(a) Provides that this section applies only to the following information that is held by TxDOT or another governmental entity:

(1) a written report of an accident required under Section 550.062 (Officer's Accident Report), rather than 550.061 (Operator's Accident Report), or former Section 550.061 or 601.004 (Accident Report) before September 1, 2017; or

(2) makes no changes to this subdivision.

SECTION 48. Amends Section 550.067(c), Transportation Code, as follows:

(c) Authorizes a municipality to require the person in charge of certain garages or repair shops if a vehicle shows evidence of having been involved in an accident described by Section 550.062(a) (relating to a law enforcement officer's accident report), rather than an accident requiring a report to be filed under Section 550.061 or 550.062, to report the damage to certain entities.

SECTION 49. Amends Section 550.068, Transportation Code, as follows:

Sec. 550.068. CHANGING ACCIDENT REPORT. (a) Provides that, except as provided by Subsection (b) (relating to certain circumstances under which a person other than the peace officer may change or modify the report), a change in or a modification of a written report of a motor vehicle accident prepared by a peace officer, rather than a peace officer or the operator of a vehicle involved in an accident, that alters a material fact in the report may be made only by the peace officer, rather than the peace officer or person, who prepared the report.

(b) Makes a conforming change.

SECTION 50. Amends Section 601.005, Transportation Code, as follows:

Sec. 601.005. EVIDENCE IN CIVIL SUIT. Deletes existing text creating a prohibition on the offering of certain evidence on the filing of a report under Section 601.004.

SECTION 51. Amends Sections 601.007(b) and (c), Transportation Code, as follows:

(b) Deletes existing text creating an exception for the provisions of Section 601.004.

(c) Makes conforming changes.

SECTION 52. Amends Section 601.154(c), Transportation Code, to delete existing text authorizing the Texas Department of Public Safety to consider an accident report of a party involved in making certain determinations. Redesignates existing Subdivision (3) as Subdivision (2).

SECTION 53. Amends Section 707.004(f), Transportation Code, to require TxDOT to publish certain information on TxDOT's Internet website not later than December 1 of each year.

SECTION 54. Amends Sections 730.003(4) and (6), Transportation Code, to redefine "motor vehicle record" and "personal information."

SECTION 55. Amends Section 2167.001(a), Government Code, as follows:

(a) Provides that this chapter (Lease of Space for State Agencies) applies to:

(1) through (5) makes no changes to these subdivisions;

(6) aircraft hangar space other than hangar space and adjacent space leased by TxDOT, rather than by SAPB;

(7) and (8) makes no changes to these subdivisions.

SECTION 56. Amends Section 2175.191(c), Government Code, as follows:

(c) Requires that proceeds from the sale of surplus and salvage property of TxDOT relating to TxDOT's duties under Chapter 2205 (Aircraft Pooling) be deposited to the credit of TxDOT, rather than requires that proceeds from the sale of certain SAPB property be deposited to the credit of SAPB.

SECTION 57. Amends the heading to Subchapter A, Chapter 2205, Government Code, to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 58. Amends Section 2205.002(1), Government Code, to define "department" and delete the existing definition of "board."

SECTION 59. Amends Section 2205.012, Government Code, as follows:

Sec. 2205.012. STAFF. Makes a conforming change and deletes existing designation of Subsection (a) and existing Subsection (b) requiring SAPB to develop and implement certain policies.

SECTION 60. Amends Section 2205.032, Government Code, as follows:

Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND MAINTENANCE. (a) and (b) Makes conforming changes.

(c) Makes conforming changes. Requires that the TxDOT, rather than SAPB, strategic plan required by this section include certain information in its appropriations request if TxDOT identifies the need for additional appropriations

and the additional appropriations are related to TxDOT's duties under this chapter. Requires that the long-range plan include:

- (1) creates this subdivision from existing text. Requires that the long-range plan include certain estimates, including estimates of the remaining useful life for each aircraft in the pool and a proposed schedule for replacing aircraft in the pool;
- (2) a range of alternatives and scenarios for the number and types of aircraft in the pool;
- (3) an analysis of current usage of aircraft in the pool, including customer base and documented rationale for use;
- (4) the status of maintenance time and costs and projected future trends regarding maintenance time and costs;
- (5) any documented high-risk mechanical issues with aircraft in the pool;
- (6) an analysis of the costs and benefits of different methods for meeting air transportation currently provided by TxDOT under Section 2205.036, including certain information relating to the use and number of aircraft in the pool; and
- (7) an analysis of the impact of including capital recovery costs in the rates TxDOT charges under Section 2205.040 that, at a minimum, includes the impact of those included costs on customer utilization and TxDOT's schedule for replacing aircraft in the pool.

(d) Makes conforming and nonsubstantive changes.

(e) Requires TxDOT to update the long-range plan annually and make the plan available on TxDOT's Internet website.

SECTION 61. Amends Section 2205.034, Government Code, as follows:

Sec. 2205.034. FACILITIES. (a) and (b) Makes conforming changes.

SECTION 62. Amends Section 2205.035, Government Code, as follows:

Sec. 2205.035. AIRCRAFT LEASES. (a) through (f) Makes conforming and nonsubstantive changes.

SECTION 63. Amends Section 2205.036, Government Code, as follows:

Sec. 2205.036. PASSENGER TRANSPORTATION. (a) and (b) Makes conforming changes.

(c) Prohibits TxDOT, rather than SAPB, from providing aircraft transportation to a destination unless:

- (1) makes no changes to this subdivision;
- (2) the aircraft transportation is the most cost-effective travel arrangement in accordance with Section 660.007(a) (relating to the requirement for state agencies to minimize travel expenses), rather than the time required to use a commercial carrier interferes with passenger obligations;
- (3) makes nonsubstantive changes to this subdivision; or

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

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

(e) Requires the administrative head of a state agency to certify that an employee of a state agency's transportation complies with the requirements of this section before the director, or the director's designee, is authorized to authorize the employee to use a state-operated aircraft.

SECTION 64. Amends Section 2205.038, Government Code, as follows:

Sec. 2205.038. AIRCRAFT OPERATIONS MANUAL. (a) through (c) Makes conforming changes.

(d) Requires that TxDOT, rather than SAPB, give an officer normally elected by statewide election priority in the scheduling of aircraft and authorizes TxDOT, rather than SAPB, by rule to require a 12-hour notice by the officer to obtain the priority in scheduling.

SECTION 65. Amends Section 2205.039, Government Code, as follows:

Sec. 2205.039. TRAVEL LOG. (a) through (c) Makes conforming changes.

SECTION 66. Amends Section 2205.040, Government Code, as follows:

Sec. 2205.040. New heading: RATES AND BILLING PROCEDURES; ACCOUNT FOR CAPITAL REPLACEMENT COSTS. (a) Requires TxDOT, rather than SAPB, and subject to Subsection (b), to adopt certain rates.

(b) Authorizes TxDOT, if TxDOT's most recent long-term plan contains an analysis under Section 2205.032(c)(7) that finds that including capital recovery costs in the rates TxDOT charges under this section is a practicable fleet replacement strategy, to adopt rates for interagency aircraft services provided by TxDOT that are sufficient to recover, in the aggregate and to the extent possible, all direct costs for services provided, as provided by Subsection (a), and the capital costs of replacing aircraft in the pool.

(c) Creates this subsection from existing text. Makes a conforming change.

(d) Requires that the portion of the rates collected for the capital costs of replacing aircraft in the pool, if TxDOT adopts rates under Subsection (b), be deposited in a separate account in the SHF. Authorizes money in the account to be used only for the acquisition of aircraft for the pool operated by TxDOT under Section 2205.032.

SECTION 67. Amends Section 2205.041, Government Code, as follows:

Sec. 2205.041. AIRCRAFT USE FORM. (a) and (b) Makes conforming changes.

SECTION 68. Amends Section 2205.042, Government Code, to make conforming changes.

SECTION 69. Amends Section 2205.043(b), Government Code, to require TxDOT, rather than SAPB, to adopt certain rules governing the color, size, and location of marks of identification required by this section.

SECTION 70. Amends Section 2205.044, Government Code, to make a conforming change.

SECTION 71. Amends Section 2205.045(a), Government Code, to make conforming changes.

SECTION 72. Amends Section 2205.046, Government Code, as follows:

Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a) through (c) Makes conforming and nonsubstantive changes.

SECTION 73. Amends Section 2205.047, Government Code, as follows:

Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. Makes conforming changes.

SECTION 74. Provides that the following provisions are repealed:

Repealers: Sections 2205.003 (Establishment), 2205.004 (Composition of Board; Terms), 2205.005 (Appointments), 2205.006 (Eligibility), 2205.007 (Conflicts of Interest), 2205.008 (Information About Qualifications and Standards of Conduct), 2205.009 (Removal), 2205.010 (Presiding Officer; Meetings; Quorum), 2205.011 (Public Access and Testimony), 2205.013 (Merit Pay), 2205.014 (Career Ladder), 2205.015 (Equal Employment Opportunity), and 2205.017 (Information on Complaints), Government Code.

Repealers: Sections 201.404(b-2) (relating to unsatisfactory annual performance evaluations for employees), 228.054(b) (relating to providing that the operator of a vehicle who drives or tows a vehicle through a toll collection facility and does not pay the proper toll commits an offense) and (c) (relating to providing that an offense under this section is a misdemeanor punishable by a fine not to exceed \$250), 228.055(a) (relating to the event of nonpayment of the toll, on issuance of a written notice of nonpayment), (b) (relating to authorizing TxDOT to impose and collect the administrative fee, so as to recover the cost of collecting the unpaid toll), (c) (relating to providing that the registered owner of a vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense), (f) (relating to an offense under this section being a misdemeanor punishable by a fine not to exceed \$250), (g) (relating to requiring the court in which a person is convicted of an offense to also collect the proper toll and administrative fee and forward the toll and fee to TxDOT for deposit in the depository bank used for that purpose), (h) (relating to authorizing TxDOT to impose one administrative fee that covers multiple events of nonpayment), and (i) (relating to authorizing TxDOT to contract with a person to collect the unpaid toll and administrative fee before referring the matter to a court with jurisdiction over the offense), 228.201(b) (relating to authorizing TxDOT to operate or transfer a high-occupancy vehicle lane as a tolled lane only if TxDOT or other entity operating the lane allows vehicles occupied by a specified number of passengers to use the lane without paying a toll), 550.061 (Operator's Accident Report), and 601.004 (Accident Report), Transportation Code.

SECTION 75. (a) Provides that except as provided by Subsection (b) of this section, Section 201.059, Transportation Code, as amended by this Act, applies to a TTC member appointed before, on, or after the effective date of this Act.

(b) Provides that a member of TTC who, before the effective date of this Act, completed the training program required by Section 201.059, Transportation Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program as required by Section 201.059, Transportation Code, as amended by this Act. Prohibits a member of TTC described by this subsection from voting, deliberating, or being counted as a member in attendance at a meeting of TTC held on or after December 1, 2017, until the member completes the additional training.

SECTION 76. Makes application of Sections 222.103, 366.301, 370.033, and 370.301, Transportation Code, as amended by this Act, prospective.

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

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

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

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

SECTION 80. (a) Requires TxDOT, not later than October 1, 2017, to develop the procedures required under Section 223.051, Transportation Code, as added by this Act.

(b) Requires TxDOT, not later than March 1, 2018, to:

(1) complete a review and update of the long-term transportation goals contained in the statewide transportation plan under Section 201.601, Transportation Code, and make any changes to the statewide transportation plan that are necessary to implement the change in law made by this Act to that section, including adopting specific and clearly defined transportation system strategies, long-term transportation goals for the state and measurable targets for each goal, and other related performance measures, to ensure that TxDOT uses a single set of transportation goals in all of TxDOT's transportation plans and policy efforts;

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

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

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

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

(c) Requires TxDOT to adopt the first long-range plan containing the information required by Section 2205.032(c), Government Code, as amended by this Act, not later than September 1, 2018.

(d) Requires TTC, not later than September 1, 2018, to:

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

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

SECTION 81. Effective date: September 1, 2017.