

By: Nichols, et al. S.B. No. 312  
(Gonzales of Williamson, Burkett, Flynn, Thompson of Harris,  
Raymond)

Substitute the following for S.B. No. 312:

By: Morrison C.S.S.B. No. 312

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the continuation and functions of the Texas Department  
3 of Transportation; authorizing an increase in rates charged for the  
4 use of state aircraft to provide for the acquisition of replacement  
5 aircraft.

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

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

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

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

14 Sec. 201.059. COMMISSION MEMBER TRAINING [~~ON DEPARTMENT AND~~  
15 ~~CERTAIN LAWS RELATING TO DEPARTMENT~~]. (a) A [~~To be eligible to~~  
16 ~~take office as a member of the commission,~~ a] person who is  
17 appointed to and qualifies for office as a member of the commission  
18 may not vote, deliberate, or be counted as a member in attendance at  
19 a meeting of the commission until the person completes [~~must~~  
20 ~~complete at least one course of~~] a training program that complies  
21 with this section.

22 (b) The training program must provide the person with  
23 information [~~to the person~~] regarding:

24 (1) the law governing department operations [~~this~~

1 ~~subchapter~~];

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

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

6 (4) ~~[the rules of the department with an emphasis on~~  
7 ~~the rules that relate to disciplinary and investigatory authority,~~

8 ~~(5) the current budget for the department;~~

9 ~~(6)]~~ the results of the most recent formal audit of  
10 the department;

11 (5) ~~(7)]~~ the requirements of ~~[the]~~:

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

15 (B) other laws applicable to members of the  
16 commission in performing their duties ~~[open records law, Chapter~~  
17 ~~552, Government Code, and~~

18 ~~[(C) administrative procedure law, Chapter 2001,~~  
19 ~~Government Code,~~

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

22 (6) ~~(9)]~~ any applicable ethics policies adopted by  
23 the department ~~[commission]~~ or the Texas Ethics Commission.

24 (c) A person appointed to the commission is entitled to  
25 reimbursement, as provided by the General Appropriations Act, for  
26 the travel expenses incurred in attending the training program,  
27 regardless of whether the attendance at the program occurs before

1 or after [~~as provided by the General Appropriations Act and as if~~  
2 the person qualifies for office [~~were a member of the commission~~].

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

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

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

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

17 (a-1) The plan must:

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

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

25 (3) contain a participation plan specifying methods  
26 for obtaining formal input on the goals and priorities identified  
27 under this subsection from:

- (A) other state agencies;
- (B) political subdivisions;
- (C) local transportation entities; and
- (D) the general public.

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

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

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

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

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

(b) Information contained in the plan must include:

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

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

(3) an analysis of potential interconnectivity difficulties;

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

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

5           (6) ridership projections for proposed passenger rail  
6 projects; and

7           (7) [~~(5)~~] ridership statistics for existing passenger  
8 rail systems.

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

11           Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. In  
12 developing each of its transportation plans and policy efforts, the  
13 department must:

14           (1) clearly reference the statewide transportation  
15 plan under Section 201.601;

16           (2) include in the plan or policy effort the  
17 transportation system strategies, goals and measurable targets,  
18 and other related performance measures established under Section  
19 201.601(a-1)(1); and

20           (3) [~~and~~] specify how the plan or policy effort  
21 supports [~~or otherwise relates to~~] the specific goals established  
22 under Section 201.601(a-1)(1) [~~that section~~].

23           SECTION 7. Section 201.806(a), Transportation Code, is  
24 amended to read as follows:

25           (a) The department shall:

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

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

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

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

9           SECTION 8. Section 201.807, Transportation Code, is amended  
10 by amending Subsection (a) and adding Subsections (g) and (h) to  
11 read as follows:

12           (a) In this section, "department project" means a highway  
13 project under the jurisdiction of the department, including a  
14 grouped rehabilitation and preventive maintenance project, that:

15                   (1) is being developed or is under construction; and

16                   (2) is identified in the district project portfolio  
17 [~~work program~~] required under Section 201.998.

18           (g) The department shall:

19                   (1) conduct a comprehensive review of the project  
20 information reporting system;

21                   (2) in conducting the review required by Subdivision  
22 (1), incorporate feedback from internal and external users of the  
23 system and advice from the department office responsible for public  
24 involvement; and

25                   (3) develop a plan for implementing any needed  
26 improvements to the system.

27           (h) The department shall conduct the review required by

1 Subsection (g)(1) on a regular basis, as specified by commission  
2 rule.

3 SECTION 9. Subchapter J, Chapter 201, Transportation Code,  
4 is amended by adding Section 201.8075 to read as follows:

5 Sec. 201.8075. STATEWIDE TRANSPORTATION PLAN DASHBOARD.

6 (a) In this section, "dashboard" means a web-based data  
7 visualization tool that provides an analysis and visual  
8 representation of key performance measures relevant to a particular  
9 objective.

10 (b) The department shall develop and prominently display on  
11 the department's Internet website a dashboard that clearly  
12 communicates to the public:

13 (1) the transportation system strategies, goals and  
14 measurable targets, and other related performance measures  
15 established under Section 201.601(a-1)(1); and

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

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

21 (d) The department shall:

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

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

27 SECTION 10. Section 201.808, Transportation Code, is

1 amended by adding Subsection (i) to read as follows:

2 (i) The department shall:

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

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

12 (3) update the analysis as part of:

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

16 (B) the evaluation and report required by Section  
17 201.809;

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

20 (5) publish the methodology and data used to create  
21 the analysis on the department's Internet website and make the  
22 methodology and data available to the metropolitan planning  
23 organizations, the public, and the commission under Subdivision  
24 (2).

25 SECTION 11. Section 201.809(a), Transportation Code, is  
26 amended to read as follows:

27 (a) The department annually shall evaluate and publish a



1 report about the status of each transportation goal for this  
2 state. The department shall also promptly publish the report on  
3 the department's Internet website in summary form. The report must  
4 include:

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

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

10 (3) a summary of the number of statewide project  
11 implementation benchmarks that have been completed; ~~and~~

12 (4) information about the accuracy of previous  
13 department financial forecasts; and

14 (5) the analysis required by Section 201.808(i).

15 SECTION 12. Section 201.991, Transportation Code, is  
16 amended by adding Subsections (b-1) and (e) and amending Subsection  
17 (d) to read as follows:

18 (b-1) The commission by rule shall:

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

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

27 (d) In developing the rules required by Subsection (b) ~~[this~~

1 ~~section]~~, the commission shall collaborate with local  
2 transportation entities.

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

5 SECTION 13. Section 201.992(b), Transportation Code, is  
6 amended to read as follows:

7 (b) The annual update must include:

8 (1) the annual funding forecast required by Section  
9 201.993;

10 (2) the list of major transportation projects required  
11 by Section 201.994(b); ~~and~~

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

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

16 SECTION 14. Sections 201.993(a) and (c), Transportation  
17 Code, are amended to read as follows:

18 (a) The department annually shall:

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

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

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

27 SECTION 15. Section 201.995, Transportation Code, is

1 amended by adding Subsection (d) to read as follows:

2 (d) In prioritizing and approving projects under Section  
3 201.9991 that are included in the unified transportation program,  
4 the commission must first evaluate projects on strategic need and  
5 potential contribution toward meeting the transportation goals  
6 established under Section 201.601(a-1)(1). After conducting that  
7 initial evaluation, the commission may conduct a secondary  
8 evaluation based on other factors such as funding availability and  
9 project readiness.

10 SECTION 16. Section 201.998, Transportation Code, is  
11 amended to read as follows:

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

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

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

- 23 (1) developing an appropriate mix of projects; and  
24 (2) on track to meet letting targets that are  
25 consistent with applicable department policy governing when a  
26 project should be bid on for a contract awarded by the department  
27 [~~work program must contain:~~

1           ~~[(1) information regarding the progress of projects~~  
2 ~~designated as major transportation projects, according to project~~  
3 ~~implementation benchmarks and timelines established under Section~~  
4 ~~201.994, and~~

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

7           (c) The department shall conduct a review of project  
8 development activities in each district's project portfolio on a  
9 regular basis and use the review ~~[use the work program]~~ to~~+~~

10           ~~[(1)]~~ monitor and evaluate the performance of each  
11 ~~[the] district[, and~~

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

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

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

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

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

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

26           (3) requiring the department to regularly report  
27 results under this section to the commission and the public and

1 specifying the method for reporting those results.

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

4 SECTION 17. Section 201.9991(a), Transportation Code, is  
5 amended to read as follows:

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

11 SECTION 18. Subchapter P, Chapter 201, Transportation Code,  
12 is amended by adding Section 201.9992 to read as follows:

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

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

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

22 (B) the 10-year transportation plan required by  
23 Section 201.9911;

24 (2) the alignment of the statewide project  
25 recommendation criteria developed by the department with the  
26 project recommendation criteria developed by metropolitan planning  
27 organizations that relate to statewide transportation goals,

1 particularly for major mobility projects using a mix of several  
2 funding sources and selected by different entities;

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

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

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

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

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

19 SECTION 19. Subchapter B, Chapter 203, Transportation Code,  
20 is amended by adding Section 203.023 to read as follows:

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

27 SECTION 20. Section 223.012, Transportation Code, is

1 amended to read as follows:

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

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

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

13                   (3) develop a contractor performance evaluation  
14 process and an evaluation tool that:

15                           (A) allows for the ~~[(2)]~~ review of contractor  
16 bidding capacity to ensure that contractors meet each quality,  
17 safety, and timeliness standard established by the commission; and

18                           (B) contains criteria for modifying a  
19 contractor's bidding capacity for competitively bid highway  
20 improvement contracts when appropriate ~~[(3) — conduct a review to~~  
21 ~~determine whether commission rules or state law should be changed~~  
22 ~~to realize significant cost and time savings on state highway~~  
23 ~~construction and maintenance projects].~~

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

26                   (1) consult with industry contractors; and

27                   (2) consider contract remedies used by:

1           (A) other state agencies; and

2           (B) departments of transportation in other  
3 states [~~Not later than December 1, 1998, the department shall file a~~  
4 ~~report with the governor, the lieutenant governor, and the speaker~~  
5 ~~of the house of representatives containing:~~

6           ~~[(1) the results of the review conducted under~~  
7 ~~Subsection (a)(3); and~~

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

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

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

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

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

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

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

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

25           (f) Rules adopted under this section must require:

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



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

4           SECTION 21. Section 550.025(a), Transportation Code, is  
5 amended to read as follows:

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

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

13                   (2) if requested and available, show the operator's  
14 driver's license to the owner or person in charge of the property[+  
15 ~~and~~

16                   ~~[(3) report the accident if required by Section~~  
17 ~~550.061].~~

18           SECTION 22. Effective September 1, 2019, Section  
19 550.062(b), Transportation Code, is amended to read as follows:

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

23           SECTION 23. Section 550.064(b), Transportation Code, is  
24 amended to read as follows:

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

26                   (1) require sufficiently detailed information to  
27 disclose the cause and conditions of and the persons and vehicles

1 involved in an accident if the form is for the report to be made by a  
2 person [~~involved in or~~] investigating the accident;

3 (2) include a way to designate and identify a peace  
4 officer, firefighter, or emergency medical services employee who is  
5 involved in an accident while driving a law enforcement vehicle,  
6 fire department vehicle, or emergency medical services vehicle  
7 while performing the person's duties;

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

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

14 SECTION 24. Section 550.065(a), Transportation Code, is  
15 amended to read as follows:

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

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

19 (A) Section [~~550.061~~] 550.062; [~~7~~] or

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

22 (2) accident report information compiled under  
23 Section 201.806.

24 SECTION 25. Section 550.067(c), Transportation Code, is  
25 amended to read as follows:

26 (c) A municipality by ordinance may require the person in  
27 charge of a garage or repair shop where a motor vehicle is brought

1 if the vehicle shows evidence of having been involved in an accident  
2 described by [~~requiring a report to be filed under~~] Section  
3 550.062(a) [~~550.061 or 550.062~~] or shows evidence of having been  
4 struck by a bullet to report to a department of the municipality  
5 within 24 hours after the garage or repair shop receives the motor  
6 vehicle, giving the engine number, registration number, and the  
7 name and address of the owner or operator of the vehicle.

8 SECTION 26. Section 550.068, Transportation Code, is  
9 amended to read as follows:

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

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

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

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

23 SECTION 27. Section 601.005, Transportation Code, is  
24 amended to read as follows:

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

1 party:

2 (1) an action taken by the department under this  
3 chapter;

4 (2) the findings on which that action is based; or

5 (3) the security or evidence of financial  
6 responsibility filed under this chapter.

7 SECTION 28. Sections 601.007(b) and (c), Transportation  
8 Code, are amended to read as follows:

9 (b) The provisions of this chapter [~~, other than Section~~  
10 ~~601.004,~~] do not apply to an officer, agent, or employee of the  
11 United States, this state, or a political subdivision of this state  
12 while operating a government vehicle in the course of that person's  
13 employment.

14 (c) The provisions of this chapter, other than Section  
15 [~~Sections 601.004 and~~] 601.054, do not apply to a motor vehicle that  
16 is subject to Chapter 643.

17 SECTION 29. Section 601.154(c), Transportation Code, is  
18 amended to read as follows:

19 (c) In determining whether there is a reasonable  
20 probability that a judgment will be rendered against the person as a  
21 result of an accident and the amount of security that is sufficient  
22 under Subsection (a), the department may consider:

23 (1) a report of an investigating officer; and

24 (2) [~~an accident report of a party involved, and~~

25 [~~(3)~~] an affidavit of a person who has knowledge of the  
26 facts.

27 SECTION 30. Section 707.004(f), Transportation Code, is

1 amended to read as follows:

2 (f) Not later than December 1 of each year, the department  
3 shall publish on the department's Internet website the information  
4 submitted by a local authority under Subsection (d).

5 SECTION 31. Sections 730.003(4) and (6), Transportation  
6 Code, are amended to read as follows:

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

- 13 (A) a record that pertains to a motor carrier; or  
14 (B) an accident report prepared under:  
15 (i) Chapter 550; or  
16 (ii) former Section 601.004 before  
17 September 1, 2017 [~~601~~].

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

23 (A) information on vehicle accidents, driving or  
24 equipment-related violations, or driver's license or registration  
25 status; or

26 (B) information contained in an accident report  
27 prepared under:

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

4            SECTION 32. Section 2167.001(a), Government Code, is  
5 amended to read as follows:

- 6            (a) This chapter applies to:  
7                    (1) office space;  
8                    (2) warehouse space;  
9                    (3) laboratory space;  
10                   (4) storage space exceeding 1,000 gross square feet;  
11                   (5) boat storage space;  
12                   (6) aircraft hangar space other than hangar space and  
13 adjacent space leased by the Texas Department of Transportation  
14 [~~State Aircraft Pooling Board~~] at Austin-Bergstrom International  
15 Airport and operated for the purpose of providing air  
16 transportation services for the State of Texas;  
17                   (7) vehicle parking space; and  
18                   (8) a combination of those kinds of space.

19            SECTION 33. Section 2175.191(c), Government Code, is  
20 amended to read as follows:

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

25            SECTION 34. The heading to Subchapter A, Chapter 2205,  
26 Government Code, is amended to read as follows:

27            SUBCHAPTER A. [~~STATE AIRCRAFT POOLING BOARD,~~] GENERAL PROVISIONS

1 SECTION 35. Section 2205.002(1), Government Code, is  
2 amended to read as follows:

3 (1) "Department [Board]" means the Texas Department of  
4 Transportation [State Aircraft Pooling Board].

5 SECTION 36. Section 2205.012, Government Code, is amended  
6 to read as follows:

7 Sec. 2205.012. STAFF. [~~(a)~~] The department [board] may  
8 employ and compensate staff as provided by legislative  
9 appropriation or may use staff provided by the comptroller or the  
10 state auditor's office.

11 [~~(b) The board shall develop and implement policies that~~  
12 ~~clearly define the respective responsibilities of the board and the~~  
13 ~~staff the board uses.~~]

14 SECTION 37. Section 2205.032, Government Code, is amended  
15 to read as follows:

16 Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND  
17 MAINTENANCE. (a) The department [board] shall operate a pool for  
18 the custody, control, operation, and maintenance of all aircraft  
19 owned or leased by the state.

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

22 (c) As part of the strategic plan that the department  
23 [~~board~~] develops and submits under Chapter 2056, the department  
24 [~~board~~] shall develop a long-range plan for its pool of aircraft.  
25 The department [board] shall include [~~appropriate portions of~~] the  
26 long-range plan in the department's [its] legislative  
27 appropriations request if the department identifies the need for

1 additional appropriations and the additional appropriations are  
2 related to the department's duties under this chapter. The  
3 long-range plan must include:

4 (1) estimates of future aircraft replacement needs and  
5 other fleet management needs, including:

6 (A) any projected need to increase or decrease  
7 the number of aircraft in the pool;

8 (B) estimates of the remaining useful life for  
9 each aircraft in the pool; and

10 (C) a proposed schedule for replacing aircraft in  
11 the pool;

12 (2) a range of alternatives and scenarios for the  
13 number and types of aircraft in the pool;

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

16 (4) the status of maintenance time and costs and  
17 projected future trends regarding maintenance time and costs;

18 (5) any documented high-risk mechanical issues with  
19 aircraft in the pool;

20 (6) an analysis of the costs and benefits of different  
21 methods for meeting air transportation currently provided by the  
22 department under Section 2205.036, including:

23 (A) the potential use of statewide contracts for  
24 private charter aircraft services;

25 (B) increased reliance on commercial carriers  
26 for routine travel;

27 (C) decreasing the number of aircraft in the pool



1 and increasing the use of contracted flight services; and

2 (D) any other method the department considers  
3 feasible; and

4 (7) an analysis of the impact of including capital  
5 recovery costs in the rates the department charges under Section  
6 2205.040 that, at a minimum, includes the impact of those included  
7 costs on customer utilization and the department's schedule for  
8 replacing aircraft in the pool.

9 (d) In developing the long-range plan, the department  
10 ~~[board]~~ shall consider at a minimum for each aircraft in the pool:

11 (1) how much the aircraft is used and the purposes for  
12 which the aircraft ~~[it]~~ is used;

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

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

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

20 SECTION 38. Section 2205.034, Government Code, is amended  
21 to read as follows:

22 Sec. 2205.034. FACILITIES. (a) The department ~~[board]~~ may  
23 acquire appropriate facilities for the accommodation of all  
24 aircraft owned or leased by the state. The facilities may be  
25 purchased or leased as determined by the department ~~[board]~~ to be  
26 most economical for the state and as provided by legislative  
27 appropriations. The facilities may include adequate hangar space,

1 an indoor passenger waiting area, a flight-planning area,  
2 communications facilities, and other related and necessary  
3 facilities.

4 (b) A state agency that operates an aircraft may not use a  
5 facility in Austin other than a facility operated by the department  
6 ~~[board]~~ for the storage, parking, fueling, or maintenance of the  
7 aircraft, whether or not the aircraft is based in Austin. In a  
8 situation the department ~~[board]~~ determines to be an emergency, the  
9 department ~~[board]~~ may authorize a state agency to use a facility in  
10 Austin other than a department ~~[board]~~ facility for the storage,  
11 parking, fueling, or maintenance of an aircraft.

12 SECTION 39. Section 2205.035, Government Code, is amended  
13 to read as follows:

14 Sec. 2205.035. AIRCRAFT LEASES. (a) The department  
15 ~~[board]~~ by interagency contract may lease state-owned aircraft to a  
16 state agency.

17 (b) A state agency that is the prior owner or lessee of an  
18 aircraft has the first option to lease that aircraft from the  
19 department ~~[board]~~.

20 (c) The lease may provide for operation or maintenance by  
21 the department ~~[board]~~ or the state agency.

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

25 (e) A state agency may not use money appropriated by the  
26 legislature to rent or lease aircraft except from the department  
27 ~~[board]~~ or as provided by Subsection (f). For purposes of this

1 subsection and Subsection (f), payments of mileage reimbursements  
2 provided for by the General Appropriations Act are not rentals or  
3 leases of aircraft.

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

10 SECTION 40. Section 2205.036, Government Code, is amended  
11 to read as follows:

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

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

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

21 (3) persons whose transportation furthers official  
22 state business.

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

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

1           (2) will attend or has attended an event sponsored by a  
2 political party;

3           (3) will perform a service or has performed a service  
4 for which the passenger is to receive an honorarium, unless the  
5 passenger reimburses the department [~~board~~] for the cost of  
6 transportation;

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

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

11          (c) The department [~~board~~] may not provide aircraft  
12 transportation to a destination unless:

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

15           (2) the aircraft transportation is the most  
16 cost-effective travel arrangement in accordance with Section  
17 660.007(a) [~~time required to use a commercial carrier interferes~~  
18 with passenger obligations]; [~~or~~]

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

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

23          (d) Before the executive director of the department or the  
24 director's designee may authorize a person to use a state-operated  
25 aircraft, the person must sign an affidavit stating that the person  
26 is traveling on official state business. On filing of the  
27 affidavit, the person may be authorized to use state-operated

1 aircraft for official state business for a period of one year. A  
2 member of the legislature is not required to receive any other  
3 additional authorization to use a state-operated aircraft.

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

9 SECTION 41. Section 2205.038, Government Code, is amended  
10 to read as follows:

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

13 (1) prepare a manual that establishes minimum  
14 standards for the operation of aircraft by state agencies; and

15 (2) adopt procedures for the distribution of the  
16 manual to state agencies.

17 (b) The manual must include provisions for:

18 (1) pilot certification standards, including medical  
19 requirements for pilots;

20 (2) recurring training programs for pilots;

21 (3) general operating and flight rules;

22 (4) coordinated passenger scheduling; and

23 (5) other issues the department [~~board~~] determines are  
24 necessary to ensure the efficient and safe operation of aircraft by  
25 a state agency.

26 (c) The department [~~board~~] shall confer with and solicit the  
27 written advice of state agencies the department [~~board~~] determines

1 are principal users of aircraft operated by the department [~~board~~]  
2 and, to the extent practicable, incorporate that advice in the  
3 development of the manual and subsequent changes to the manual.

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

8 SECTION 42. Section 2205.039, Government Code, is amended  
9 to read as follows:

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

12 (1) a travel log form for gathering information about  
13 the use of state-operated aircraft;

14 (2) procedures to ensure that individuals who travel  
15 as passengers on or operate state-operated aircraft provide in a  
16 legible manner the information requested of them by the form; and

17 (3) procedures for each state agency that operates an  
18 aircraft for sending the form to the department [~~board~~] and the  
19 Legislative Budget Board.

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

23 (1) a mission statement, which may appear as a  
24 selection to be identified from general categories appearing on the  
25 form;

26 (2) the name, state agency represented, destination,  
27 and signature of each person who is a passenger or crew member of

1 the aircraft;

2 (3) the date of each flight;

3 (4) a detailed and specific description of the  
4 official business purpose of each flight; and

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

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

13 SECTION 43. Section [2205.040](#), Government Code, is amended  
14 to read as follows:

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

22 (b) If the department's most recent long-term plan contains  
23 an analysis under Section [2205.032](#)(c)(7) that finds that including  
24 capital recovery costs in the rates the department charges under  
25 this section is a practicable fleet replacement strategy, the  
26 department may adopt rates for interagency aircraft services  
27 provided by the department that are sufficient to recover, in the

1 aggregate and to the extent possible:

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

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

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

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

15 SECTION 44. Section 2205.041, Government Code, is amended  
16 to read as follows:

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

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

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

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

27 (1) a description of the aircraft;



1 (2) the date purchased or leased and the purchase  
2 price or lease cost;

3 (3) the number of annual hours flown;

4 (4) the annual operating costs;

5 (5) the number of flights and the destinations;

6 (6) the travel logs prepared under Section 2205.039;

7 and

8 (7) any other information the department [~~Texas~~  
9 ~~Department of Transportation~~] requires to document the proper or  
10 cost-efficient use of the aircraft.

11 SECTION 45. Section 2205.042, Government Code, is amended  
12 to read as follows:

13 Sec. 2205.042. PILOTS. An individual who is not a pilot  
14 employed by the department [~~board~~] may not operate a state-operated  
15 aircraft unless the department [~~board~~] grants the individual a  
16 specific exemption from that requirement.

17 SECTION 46. Section 2205.043(b), Government Code, is  
18 amended to read as follows:

19 (b) The department [~~board~~] shall adopt rules, consistent  
20 with federal regulations and Section 3101.001, governing the color,  
21 size, and location of marks of identification required by this  
22 section.

23 SECTION 47. Section 2205.044, Government Code, is amended  
24 to read as follows:

25 Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The  
26 department [~~board~~] may contract with a state or federal  
27 governmental agency or a political subdivision to provide aircraft

1 fuel or to provide aircraft maintenance services.

2 SECTION 48. Section 2205.045(a), Government Code, is  
3 amended to read as follows:

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

10 SECTION 49. Section 2205.046, Government Code, is amended  
11 to read as follows:

12 Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS.

13 (a) The department [~~board~~] may transfer aircraft to a public  
14 technical institute or other public postsecondary educational  
15 institution for use in the institution's flight training program.  
16 Except as provided by this section, the department [~~board~~] has no  
17 responsibility for continued maintenance of aircraft transferred  
18 under this section.

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

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

1 ~~[board]~~ that:

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

7 SECTION 50. Section 2205.047, Government Code, is amended  
8 to read as follows:

9 Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The  
10 department ~~[board]~~ shall post information related to travel and  
11 other services provided by the department ~~[board]~~ on an Internet  
12 website ~~[site]~~ maintained by or for the department ~~[board]~~. The  
13 site must be generally accessible to state agencies, persons who  
14 use the department's ~~[board's]~~ services, and, to the extent  
15 appropriate, the general public.

16 SECTION 51. The following provisions are repealed:

- 17 (1) Sections 2205.003, 2205.004, 2205.005, 2205.006,  
18 2205.007, 2205.008, 2205.009, 2205.010, 2205.011, 2205.013,  
19 2205.014, 2205.015, and 2205.017, Government Code; and
- 20 (2) Sections 201.404(b-2), 550.061, and 601.004,  
21 Transportation Code.

22 SECTION 52. (a) Except as provided by Subsection (b) of  
23 this section, Section 201.059, Transportation Code, as amended by  
24 this Act, applies to a member of the Texas Transportation  
25 Commission appointed before, on, or after the effective date of  
26 this Act.

27 (b) A member of the Texas Transportation Commission who,

1 before the effective date of this Act, completed the training  
2 program required by Section 201.059, Transportation Code, as that  
3 law existed before the effective date of this Act, is only required  
4 to complete additional training on the subjects added by this Act to  
5 the training program as required by Section 201.059, Transportation  
6 Code, as amended by this Act. A member of the commission described  
7 by this subsection may not vote, deliberate, or be counted as a  
8 member in attendance at a meeting of the commission held on or after  
9 December 1, 2017, until the member completes the additional  
10 training.

11 SECTION 53. (a) Not later than March 1, 2018, the Texas  
12 Department of Transportation shall:

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

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

1           (3) develop the plan required by Section  
2 201.807(g)(3), Transportation Code, as added by this Act; and

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

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

10          (c) Not later than September 1, 2018, the Texas  
11 Transportation Commission shall:

12           (1) adopt the rules required by Sections 201.807(h),  
13 201.991(b-1), 201.998(f), and 201.9992, Transportation Code, as  
14 added by this Act, and Section 223.012, Transportation Code, as  
15 amended by this Act; and

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

19          SECTION 54. This Act takes effect September 1, 2017.