

By: Nichols, Taylor of Collin

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:

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

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

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

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

- 14 (1) prepare ~~[and update annually]~~ a long-term plan for
15 a statewide passenger rail system; and
- 16 (2) update the plan at least once every five years.

17 (b) Information contained in the plan must include:

- 18 (1) a description of existing and proposed passenger
19 rail systems;
- 20 (2) information regarding the status of passenger rail
21 systems under construction;
- 22 (3) an analysis of potential interconnectivity
23 difficulties;
- 24 (4) an analysis of short-term and long-term effects of
25 each proposed passenger rail system on state and local road
26 connectivity, including effects on oversize or overweight vehicles
27 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. Section 223.012, Transportation Code, is
20 amended to read as follows:

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

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

1 to apply each contract remedy;

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

5 (3) develop a contractor performance evaluation
6 process and an evaluation tool that:

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

10 (B) contains criteria for modifying a
11 contractor's bidding capacity for competitively bid highway
12 improvement contracts when appropriate [~~(3) conduct a review to~~
13 ~~determine whether commission rules or state law should be changed~~
14 ~~to realize significant cost and time savings on state highway~~
15 ~~construction and maintenance projects]~~.

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

18 (1) consult with industry contractors; and

19 (2) consider contract remedies used by:

20 (A) other state agencies; and

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

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

27 [~~(2) recommendations on legislation the commission~~

1 ~~determines is necessary to realize significant cost and time~~
2 ~~savings on state highway construction and maintenance].~~

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

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

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

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

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

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

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

17 SECTION 20. Section 550.025(a), Transportation Code, is
18 amended to read as follows:

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

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

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

1 and

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

4 SECTION 21. Effective September 1, 2019, Section
5 550.062(b), Transportation Code, is amended to read as follows:

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

9 SECTION 22. Section 550.064(b), Transportation Code, is
10 amended to read as follows:

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

12 (1) require sufficiently detailed information to
13 disclose the cause and conditions of and the persons and vehicles
14 involved in an accident if the form is for the report to be made by a
15 person [~~involved in or~~] investigating the accident;

16 (2) include a way to designate and identify a peace
17 officer, firefighter, or emergency medical services employee who is
18 involved in an accident while driving a law enforcement vehicle,
19 fire department vehicle, or emergency medical services vehicle
20 while performing the person's duties;

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

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

27 SECTION 23. Section 550.065(a), Transportation Code, is

1 amended to read as follows:

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

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

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

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

8 (2) accident report information compiled under
9 Section 201.806.

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

12 (c) A municipality by ordinance may require the person in
13 charge of a garage or repair shop where a motor vehicle is brought
14 if the vehicle shows evidence of having been involved in an accident
15 described by ~~[requiring a report to be filed under]~~ Section
16 550.062(a) ~~[550.061 or 550.062]~~ or shows evidence of having been
17 struck by a bullet to report to a department of the municipality
18 within 24 hours after the garage or repair shop receives the motor
19 vehicle, giving the engine number, registration number, and the
20 name and address of the owner or operator of the vehicle.

21 SECTION 25. Section 550.068, Transportation Code, is
22 amended to read as follows:

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

1 officer [~~or person~~] who prepared the report.

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

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

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

9 SECTION 26. Section 601.005, Transportation Code, is
10 amended to read as follows:

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

15 (1) an action taken by the department under this
16 chapter;

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

18 (3) the security or evidence of financial
19 responsibility filed under this chapter.

20 SECTION 27. Sections 601.007(b) and (c), Transportation
21 Code, are amended to read as follows:

22 (b) The provisions of this chapter [~~other than Section~~
23 ~~601.004,~~] do not apply to an officer, agent, or employee of the
24 United States, this state, or a political subdivision of this state
25 while operating a government vehicle in the course of that person's
26 employment.

27 (c) The provisions of this chapter, other than Section

1 [~~Sections 601.004 and~~ 601.054, do not apply to a motor vehicle that
2 is subject to Chapter 643.

3 SECTION 28. Section 601.154(c), Transportation Code, is
4 amended to read as follows:

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

- 9 (1) a report of an investigating officer; and
10 (2) [~~an accident report of a party involved; and~~
11 [~~3~~] an affidavit of a person who has knowledge of the
12 facts.

13 SECTION 29. Section 707.004(f), Transportation Code, is
14 amended to read as follows:

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

18 SECTION 30. Sections 730.003(4) and (6), Transportation
19 Code, are amended to read as follows:

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

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

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

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

9 (A) information on vehicle accidents, driving or
10 equipment-related violations, or driver's license or registration
11 status; or

12 (B) information contained in an accident report
13 prepared under:

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

17 SECTION 31. Section 2167.001(a), Government Code, is
18 amended to read as follows:

- 19 (a) This chapter applies to:
- 20 (1) office space;
 - 21 (2) warehouse space;
 - 22 (3) laboratory space;
 - 23 (4) storage space exceeding 1,000 gross square feet;
 - 24 (5) boat storage space;
 - 25 (6) aircraft hangar space other than hangar space and
- 26 adjacent space leased by the Texas Department of Transportation
27 [~~State Aircraft Pooling Board~~] at Austin-Bergstrom International

1 Airport and operated for the purpose of providing air
2 transportation services for the State of Texas;

3 (7) vehicle parking space; and

4 (8) a combination of those kinds of space.

5 SECTION 32. Section 2175.191(c), Government Code, is
6 amended to read as follows:

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

11 SECTION 33. The heading to Subchapter A, Chapter 2205,
12 Government Code, is amended to read as follows:

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

14 SECTION 34. Section 2205.002(1), Government Code, is
15 amended to read as follows:

16 (1) "Department [~~Board~~]" means the Texas Department of
17 Transportation [~~State Aircraft Pooling Board~~].

18 SECTION 35. Section 2205.012, Government Code, is amended
19 to read as follows:

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

24 [~~(b) The board shall develop and implement policies that~~
25 ~~clearly define the respective responsibilities of the board and the~~
26 ~~staff the board uses.~~]

27 SECTION 36. Section 2205.032, Government Code, is amended

1 to read as follows:

2 Sec. 2205.032. CUSTODY, CONTROL, OPERATION, AND
3 MAINTENANCE. (a) The department [~~board~~] shall operate a pool for
4 the custody, control, operation, and maintenance of all aircraft
5 owned or leased by the state.

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

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

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

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

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

23 (C) a proposed schedule for replacing aircraft in
24 the pool;

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

27 (3) an analysis of current usage of aircraft in the

1 pool, including customer base and documented rationale for use;

2 (4) the status of maintenance time and costs and
3 projected future trends regarding maintenance time and costs;

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

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

9 (A) the potential use of statewide contracts for
10 private charter aircraft services;

11 (B) increased reliance on commercial carriers
12 for routine travel;

13 (C) decreasing the number of aircraft in the pool
14 and increasing the use of contracted flight services; and

15 (D) any other method the department considers
16 feasible; and

17 (7) an analysis of the impact of including capital
18 recovery costs in the rates the department charges under Section
19 2205.040 that, at a minimum, includes the impact of those included
20 costs on customer utilization and the department's schedule for
21 replacing aircraft in the pool.

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

24 (1) how much the aircraft is used and the purposes for
25 which the aircraft [it] is used;

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

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

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

6 SECTION 37. Section 2205.034, Government Code, is amended
7 to read as follows:

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

17 (b) A state agency that operates an aircraft may not use a
18 facility in Austin other than a facility operated by the department
19 [~~board~~] for the storage, parking, fueling, or maintenance of the
20 aircraft, whether or not the aircraft is based in Austin. In a
21 situation the department [~~board~~] determines to be an emergency, the
22 department [~~board~~] may authorize a state agency to use a facility in
23 Austin other than a department [~~board~~] facility for the storage,
24 parking, fueling, or maintenance of an aircraft.

25 SECTION 38. Section 2205.035, Government Code, is amended
26 to read as follows:

27 Sec. 2205.035. AIRCRAFT LEASES. (a) The department

1 ~~[board]~~ by interagency contract may lease state-owned aircraft to a
2 state agency.

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

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

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

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

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

23 SECTION 39. Section [2205.036](#), Government Code, is amended
24 to read as follows:

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

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

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

7 (3) persons whose transportation furthers official
8 state business.

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

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

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

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

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

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

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

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

1 (2) the aircraft transportation is the most
2 cost-effective travel arrangement in accordance with Section
3 660.007(a) [~~time required to use a commercial carrier interferes~~
4 with passenger obligations]; [~~or~~]

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

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

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

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

22 SECTION 40. Section 2205.038, Government Code, is amended
23 to read as follows:

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

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

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

3 (b) The manual must include provisions for:

4 (1) pilot certification standards, including medical
5 requirements for pilots;

6 (2) recurring training programs for pilots;

7 (3) general operating and flight rules;

8 (4) coordinated passenger scheduling; and

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

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

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

21 SECTION 41. Section 2205.039, Government Code, is amended
22 to read as follows:

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

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

27 (2) procedures to ensure that individuals who travel

1 as passengers on or operate state-operated aircraft provide in a
2 legible manner the information requested of them by the form; and

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

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

9 (1) a mission statement, which may appear as a
10 selection to be identified from general categories appearing on the
11 form;

12 (2) the name, state agency represented, destination,
13 and signature of each person who is a passenger or crew member of
14 the aircraft;

15 (3) the date of each flight;

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

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

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

26 SECTION 42. Section 2205.040, Government Code, is amended
27 to read as follows:

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

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

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

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

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

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

1 SECTION 43. Section 2205.041, Government Code, is amended
2 to read as follows:

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

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

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

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

13 (1) a description of the aircraft;

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

16 (3) the number of annual hours flown;

17 (4) the annual operating costs;

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

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

20 and

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

24 SECTION 44. Section 2205.042, Government Code, is amended
25 to read as follows:

26 Sec. 2205.042. PILOTS. An individual who is not a pilot
27 employed by the department [~~board~~] may not operate a state-operated

1 aircraft unless the department [~~board~~] grants the individual a
2 specific exemption from that requirement.

3 SECTION 45. Section 2205.043(b), Government Code, is
4 amended to read as follows:

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

9 SECTION 46. Section 2205.044, Government Code, is amended
10 to read as follows:

11 Sec. 2205.044. FUEL AND MAINTENANCE CONTRACTS. The
12 department [~~board~~] may contract with a state or federal
13 governmental agency or a political subdivision to provide aircraft
14 fuel or to provide aircraft maintenance services.

15 SECTION 47. Section 2205.045(a), Government Code, is
16 amended to read as follows:

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

23 SECTION 48. Section 2205.046, Government Code, is amended
24 to read as follows:

25 Sec. 2205.046. AIRCRAFT FOR FLIGHT TRAINING PROGRAMS. (a)
26 The department [~~board~~] may transfer aircraft to a public technical
27 institute or other public postsecondary educational institution

1 for use in the institution's flight training program. Except as
2 provided by this section, the department [~~board~~] has no
3 responsibility for continued maintenance of aircraft transferred
4 under this section.

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

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

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

20 SECTION 49. Section [2205.047](#), Government Code, is amended
21 to read as follows:

22 Sec. 2205.047. INFORMATION POSTED ON THE INTERNET. The
23 department [~~board~~] shall post information related to travel and
24 other services provided by the department [~~board~~] on an Internet
25 website [~~site~~] maintained by or for the department [~~board~~]. The
26 site must be generally accessible to state agencies, persons who
27 use the department's [~~board's~~] services, and, to the extent

1 appropriate, the general public.

2 SECTION 50. The following provisions are repealed:

3 (1) Sections 2205.003, 2205.004, 2205.005, 2205.006,
4 2205.007, 2205.008, 2205.009, 2205.010, 2205.011, 2205.013,
5 2205.014, 2205.015, and 2205.017, Government Code; and

6 (2) Sections 201.404(b-2), 550.061, and 601.004,
7 Transportation Code.

8 SECTION 51. (a) Except as provided by Subsection (b) of
9 this section, Section 201.059, Transportation Code, as amended by
10 this Act, applies to a member of the Texas Transportation
11 Commission appointed before, on, or after the effective date of
12 this Act.

13 (b) A member of the Texas Transportation Commission who,
14 before the effective date of this Act, completed the training
15 program required by Section 201.059, Transportation Code, as that
16 law existed before the effective date of this Act, is only required
17 to complete additional training on the subjects added by this Act to
18 the training program as required by Section 201.059, Transportation
19 Code, as amended by this Act. A member of the commission described
20 by this subsection may not vote, deliberate, or be counted as a
21 member in attendance at a meeting of the commission held on or after
22 December 1, 2017, until the member completes the additional
23 training.

24 SECTION 52. (a) Not later than March 1, 2018, the Texas
25 Department of Transportation shall:

26 (1) complete a review and update of the long-term
27 transportation goals contained in the statewide transportation

1 plan under Section 201.601, Transportation Code, and make any
2 changes to the statewide transportation plan that are necessary to
3 implement the change in law made by this Act to Section 201.601,
4 Transportation Code, including adopting specific and clearly
5 defined transportation system strategies, long-term transportation
6 goals for the state and measurable targets for each goal, and other
7 related performance measures, to ensure that the department uses a
8 single set of transportation goals in all of the department's
9 transportation plans and policy efforts;

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

14 (3) develop the plan required by Section
15 201.807(g)(3), Transportation Code, as added by this Act; and

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

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

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

25 (1) adopt the rules required by Sections 201.807(h),
26 201.991(b-1), 201.998(f), and 201.9992, Transportation Code, as
27 added by this Act, and Section 223.012, Transportation Code, as

1 amended by this Act; and

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

5 SECTION 53. This Act takes effect September 1, 2017.