

1-1 By: Hinojosa, Hegar, Nichols S.B. No. 1420
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1420 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the continuation and functions of the Texas Department
1-11 of Transportation; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 201.051, Transportation Code, is amended
1-14 by adding Subsection (b-1) and amending Subsections (d), (f), (g),
1-15 (h), and (j) to read as follows:

1-16 (b-1) A member of the commission may not accept a
1-17 contribution to a campaign for election to an elected office. If a
1-18 commissioner accepts a campaign contribution, the person is
1-19 considered to have resigned from the office and the office
1-20 immediately becomes vacant. The vacancy shall be filled in the
1-21 manner provided by law.

1-22 (d) A ~~[Except as provided by Subsection (e), a]~~ person is
1-23 not eligible to serve ~~[for appointment]~~ as a member of the
1-24 commission if the person or the person's spouse:

1-25 (1) is employed by or participates in the management
1-26 of a business entity or other organization that is regulated by or
1-27 receives funds from the department;

1-28 (2) directly or indirectly owns or controls more than
1-29 10 percent interest in a business entity or other organization that
1-30 is regulated by or receives funds from the department;

1-31 (3) uses or receives a substantial amount of tangible
1-32 goods, services, or funds from the department, other than
1-33 compensation or reimbursement authorized by law for commission
1-34 membership, attendance, or expenses; or

1-35 (4) is registered, certified, or licensed by the
1-36 department.

1-37 (f) An officer, employee, or paid consultant of a Texas
1-38 trade association in the field of road construction or maintenance,
1-39 aviation, or outdoor advertising is not eligible to serve as ~~[or a~~
1-40 ~~Texas trade association of automobile dealers may not be]~~ a member
1-41 of the commission.

1-42 (g) The spouse of an officer, manager, or paid consultant of
1-43 a Texas trade association in the field of road construction or
1-44 maintenance, aviation, or outdoor advertising is not eligible to
1-45 serve as ~~[or a Texas association of automobile dealers may not be]~~ a
1-46 member of the commission.

1-47 (h) A person required to register as a lobbyist under
1-48 Chapter 305, Government Code, because of the person's activities
1-49 for compensation on behalf of a profession related to the operation
1-50 of the department is not eligible to ~~[may not]~~ serve as a member of
1-51 the commission.

1-52 (j) In this section, "Texas trade association" means a
1-53 ~~[nonprofit,]~~ cooperative~~[,]~~ and voluntarily joined statewide
1-54 association of business or professional competitors in this state
1-55 designed to assist its members and its industry or profession in
1-56 dealing with mutual business or professional problems and in
1-57 promoting their common interest.

1-58 SECTION 2. Subsection (a), Section 201.053, Transportation
1-59 Code, is amended to read as follows:

1-60 (a) The governor ~~[periodically]~~ shall designate one
1-61 commissioner as the chair of the commission, who shall serve as
1-62 presiding officer of the commission.

1-63 SECTION 3. Subsection (a), Section 201.057, Transportation

2-1 Code, is amended to read as follows:

2-2 (a) It is a ground for removal from the commission if a
2-3 commissioner:

2-4 (1) does not have at the time of taking office
2-5 [~~appointment~~] or maintain during service on the commission the
2-6 qualifications required by Section 201.051;

2-7 (2) violates a prohibition provided by Section
2-8 201.051;

2-9 (3) cannot discharge the commissioner's duties for a
2-10 substantial part of the term for which the commissioner is
2-11 appointed because of illness or disability; or

2-12 (4) is absent from more than half of the regularly
2-13 scheduled commission meetings that the commissioner is eligible to
2-14 attend during a calendar year, unless the absence is excused by
2-15 majority vote of the commission.

2-16 SECTION 4. Section 201.058, Transportation Code, is amended
2-17 to read as follows:

2-18 Sec. 201.058. INFORMATION ON QUALIFICATIONS AND CONDUCT.
2-19 The department shall provide to the members of the commission, as
2-20 often as necessary, information concerning the members'
2-21 qualifications for office [~~under Subchapter B~~] and their
2-22 responsibilities under applicable laws relating to standards of
2-23 conduct for state officers.

2-24 SECTION 5. Subchapter C, Chapter 201, Transportation Code,
2-25 is amended by adding Section 201.118 to read as follows:

2-26 Sec. 201.118. NEGOTIATED RULEMAKING; ALTERNATIVE DISPUTE
2-27 RESOLUTION PROCEDURES. (a) The commission shall develop and
2-28 implement a policy to encourage the use of:

2-29 (1) negotiated rulemaking procedures under Chapter
2-30 2008, Government Code, for the adoption of department rules; and

2-31 (2) appropriate alternative dispute resolution
2-32 procedures under Chapter 2009, Government Code, to assist in the
2-33 resolution of internal and external disputes under the department's
2-34 jurisdiction.

2-35 (b) The department's procedures relating to alternative
2-36 dispute resolution must conform, to the extent possible, to any
2-37 model guidelines issued by the State Office of Administrative
2-38 Hearings for the use of alternative dispute resolution by state
2-39 agencies.

2-40 (c) The department shall:

2-41 (1) coordinate the implementation of the policy
2-42 adopted under Subsection (a);

2-43 (2) provide training as needed to implement the
2-44 procedures for negotiated rulemaking or alternative dispute
2-45 resolution; and

2-46 (3) collect data concerning the effectiveness of those
2-47 procedures.

2-48 SECTION 6. Section 201.204, Transportation Code, is amended
2-49 to read as follows:

2-50 Sec. 201.204. SUNSET PROVISION. The Texas Department of
2-51 Transportation is subject to Chapter 325, Government Code (Texas
2-52 Sunset Act). Unless continued in existence as provided by that
2-53 chapter, the department is abolished September 1, 2015 [~~2011~~].

2-54 SECTION 7. Subchapter D, Chapter 201, Transportation Code,
2-55 is amended by adding Sections 201.210 and 201.211 to read as
2-56 follows:

2-57 Sec. 201.210. LEGISLATIVE LOBBYING. (a) In addition to
2-58 Section 556.006, Government Code, the commission or a department
2-59 employee may not use money under the department's control or engage
2-60 in an activity to influence the passage or defeat of legislation.

2-61 (b) Violation of Subsection (a) is grounds for dismissal of
2-62 an employee.

2-63 (c) This section does not prohibit the commission or
2-64 department employee from using state resources to:

2-65 (1) provide public information or information
2-66 responsive to a request; or

2-67 (2) communicate with officers and employees of the
2-68 federal government in pursuit of federal appropriations or
2-69 programs.

3-1 Sec. 201.211. ETHICS AFFIRMATION AND HOTLINE. (a) A
3-2 department employee shall annually affirm the employee's adherence
3-3 to the ethics policy adopted under Section 572.051(c), Government
3-4 Code.

3-5 (b) The department shall establish and operate a telephone
3-6 hotline that enables a person to call the hotline number,
3-7 anonymously or not anonymously, to report alleged fraud, waste, or
3-8 abuse or an alleged violation of the ethics policy adopted under
3-9 Section 572.051(c), Government Code.

3-10 SECTION 8. Subsection (a), Section 201.401, Transportation
3-11 Code, is amended to read as follows:

3-12 (a) A person may not be an employee of the department who is
3-13 employed in a "bona fide executive, administrative, or professional
3-14 capacity," as that phrase is used for purposes of establishing an
3-15 exemption to the overtime provisions of the federal Fair Labor
3-16 Standards Act of 1938 (29 U.S.C. Section 201 et seq.), [~~exempt from~~
3-17 ~~the state's position classification plan or compensated at or above~~
3-18 ~~the amount prescribed by the General Appropriations Act for step 1,~~
3-19 ~~salary group 17, of the position classification salary schedule]~~ if
3-20 the person is:

- 3-21 (1) an officer, employee, or paid consultant of a
3-22 Texas trade association[+
3-23 [~~(A)~~] in the field of road construction or
3-24 maintenance or outdoor advertising; or
3-25 [~~(B) of automobile dealers, or]~~

- 3-26 (2) the spouse of an officer, manager, or paid
3-27 consultant described by Subdivision (1).

3-28 SECTION 9. Subsection (b), Section 201.404, Transportation
3-29 Code, is amended to read as follows:

3-30 (b) The director or the director's designee shall develop a
3-31 system of annual performance evaluations that are based on
3-32 documented employee performance. All merit pay for department
3-33 employees must be based on the system established under this
3-34 subsection. The annual performance evaluations developed under
3-35 this subsection must include the evaluation of an employee's:

- 3-36 (1) professionalism;
- 3-37 (2) diligence; and
- 3-38 (3) responsiveness to directives and requests from the
3-39 commission and the legislature.

3-40 SECTION 10. Section 201.601, Transportation Code, is
3-41 amended to read as follows:

3-42 Sec. 201.601. STATEWIDE TRANSPORTATION PLAN. (a) The
3-43 department shall develop a statewide transportation plan covering a
3-44 period of 24 years that contains all modes of transportation,
3-45 including:

- 3-46 (1) highways and turnpikes;
- 3-47 (2) aviation;
- 3-48 (3) mass transportation;
- 3-49 (4) railroads and high-speed railroads; and
- 3-50 (5) water traffic.

3-51 (a-1) The plan must:

3-52 (1) contain specific, long-term transportation goals
3-53 for the state and measurable targets for each goal;

3-54 (2) identify priority corridors, projects, or areas of
3-55 the state that are of particular concern to the department in
3-56 meeting the goals established under Subdivision (1); and

3-57 (3) contain a participation plan specifying methods
3-58 for obtaining formal input on the goals and priorities identified
3-59 under this subsection from:

- 3-60 (A) other state agencies;
- 3-61 (B) political subdivisions;
- 3-62 (C) local transportation entities; and
- 3-63 (D) the general public.

3-64 (b) [~~In developing the plan, the department shall seek~~
3-65 ~~opinions and assistance from other state agencies and political~~
3-66 ~~subdivisions that have responsibility for the modes of~~
3-67 ~~transportation listed by Subsection (a).] As appropriate, the
3-68 department and the entities listed in Subsection (a-1)(3) [~~such an~~
3-69 ~~agency or political subdivision]~~ shall enter into a memorandum of~~

4-1 understanding relating to the planning of transportation services.
4-2 (c) The plan must include a component that is not
4-3 financially constrained and identifies transportation improvements
4-4 designed to relieve congestion. In developing this component of
4-5 the plan, the department shall seek opinions and assistance from
4-6 officials who have local responsibility for modes of transportation
4-7 listed in Subsection (a).

4-8 ~~(d) [The plan shall include a component, published~~
4-9 ~~annually, that describes the evaluation of transportation~~
4-10 ~~improvements based on performance measures, such as indices~~
4-11 ~~measuring delay reductions or travel time improvements.]~~ The
4-12 department shall consider the goals and measurable targets
4-13 established under Subsection (a-1)(1) [performance measures] in
4-14 selecting transportation projects [improvements].

4-15 (e) The department annually shall provide to the lieutenant
4-16 governor, the speaker of the house of representatives, and the
4-17 chair of the standing committee of each house of the legislature
4-18 with primary jurisdiction over transportation issues an analysis of
4-19 the department's progress in attaining the goals under Subsection
4-20 (a-1)(1). The department shall make the information under this
4-21 subsection available on its Internet website.

4-22 (f) The department shall update the plan every four years or
4-23 more frequently as necessary.

4-24 SECTION 11. Subchapter H, Chapter 201, Transportation Code,
4-25 is amended by adding Sections 201.6015 and 201.620 to read as
4-26 follows:

4-27 Sec. 201.6015. INTEGRATION OF PLANS AND POLICY EFFORTS. In
4-28 developing each of its transportation plans, programs, and policy
4-29 efforts, the department must clearly reference the 24-year plan
4-30 under Section 201.601 and specify how the plan, program, or policy
4-31 effort supports or otherwise relates to the specific goals under
4-32 that section.

4-33 Sec. 201.620. COORDINATION WITH METROPOLITAN PLANNING
4-34 ORGANIZATIONS TO DEVELOP LONG-TERM PLANNING ASSUMPTIONS. The
4-35 department shall collaborate with metropolitan planning
4-36 organizations to develop mutually acceptable assumptions for the
4-37 purposes of long-range federal and state funding forecasts and use
4-38 those assumptions to guide long-term planning in the statewide
4-39 transportation plan under Section 201.601.

4-40 SECTION 12. Section 201.703, Transportation Code, is
4-41 amended to read as follows:

4-42 Sec. 201.703. EXPENDITURES AND CONTRACTS FOR
4-43 TRANSPORTATION PROGRAMS OR PROJECTS [ROADS] NOT ON THE HIGHWAY
4-44 SYSTEM. (a) The department in conjunction with the Federal
4-45 Highway Administration may spend for a transportation program
4-46 related to the improvement of a transportation project [road] not
4-47 on [in] the state highway system money appropriated by the United
4-48 States Congress, [and] allocated by the United States secretary of
4-49 transportation to the department, and eligible under federal law
4-50 for expenditure on the program or project [road]. That federal
4-51 money may be matched or supplemented by an amount of state money
4-52 necessary for proper construction and performance of the work.

4-53 (b) State money may not be used exclusively for a
4-54 transportation program or for the improvement of a transportation
4-55 project [the construction of a road] not on [in] the state highway
4-56 system.

4-57 (c) The expenditure of state money is limited to:
4-58 (1) the cost of construction and engineering,
4-59 overhead, and other costs on which the application of federal money
4-60 is prohibited or impractical; and
4-61 (2) the cost of providing oversight required under
4-62 federal law.

4-63 (d) With regard to work for a transportation project that is
4-64 not on the state highway system, the department may:

4-65 (1) enter into a contract for the work in the same
4-66 manner as for work on a transportation project that is on the state
4-67 highway system; or

4-68 (2) by rule authorize a local government to enter into
4-69 a contract for the work in the same manner as a local government is

5-1 authorized to contract for work on a comparable project on the state
 5-2 highway system.

5-3 SECTION 13. (a) Section 201.801, Transportation Code, is
 5-4 amended to read as follows:

5-5 Sec. 201.801. [~~INFORMATION ABOUT DEPARTMENT;~~] COMPLAINTS.

5-6 (a) The department shall maintain a system to promptly and
 5-7 efficiently act on complaints filed with the department. The
 5-8 department shall maintain information about the parties to and the
 5-9 subject matter of a complaint and a summary of the results of the
 5-10 review or investigation of the complaint and the disposition of the
 5-11 complaint.

5-12 (b) The department shall make information available
 5-13 describing its procedures for complaint investigation and
 5-14 resolution [~~prepare information of public interest describing the~~
 5-15 ~~functions of the department and the department's procedures by~~
 5-16 ~~which a complaint is filed with the department and resolved by the~~
 5-17 ~~department. The department shall make the information available to~~
 5-18 ~~the public and appropriate state agencies].~~

5-19 [~~(b) The commission by rule shall establish methods by which~~
 5-20 ~~consumers and service recipients are notified of the department's~~
 5-21 ~~name, mailing address, and telephone number for directing~~
 5-22 ~~complaints to the department. The commission may provide for that~~
 5-23 ~~notification.~~

5-24 [~~(1) on each registration form, application, or~~
 5-25 ~~written contract for services of an individual or entity regulated~~
 5-26 ~~by the department,~~

5-27 [~~(2) on a sign prominently displayed in the place of~~
 5-28 ~~business of each individual or entity regulated by the department,~~
 5-29 ~~or~~

5-30 [~~(3) in a bill for service provided by an individual or~~
 5-31 ~~entity regulated by the department.]~~

5-32 (c) [~~The department shall:~~

5-33 [~~(1) keep an information file about each written~~
 5-34 ~~complaint filed with the department that the department has the~~
 5-35 ~~authority to resolve; and~~

5-36 [~~(2) provide the person who filed the complaint, and~~
 5-37 ~~each person or entity that is the subject of the complaint,~~
 5-38 ~~information about the department's policies and procedures~~
 5-39 ~~relating to complaint investigation and resolution.~~

5-40 [~~(d)] The department[, at least quarterly and until final~~
 5-41 ~~disposition of a written complaint that is filed with the~~
 5-42 ~~department and that the department has the authority to resolve,]~~
 5-43 shall periodically notify the parties to the complaint of its
 5-44 status until final disposition unless the notice would jeopardize
 5-45 an undercover investigation.

5-46 (d) The commission shall adopt rules applicable to each
 5-47 division and district to establish a process to act on complaints
 5-48 filed with the department [~~(e) With regard to each complaint filed~~
 5-49 ~~with the department, the department shall keep the following~~
 5-50 ~~information:~~

5-51 [~~(1) the date the complaint is filed,~~

5-52 [~~(2) the name of the person filing the complaint,~~

5-53 [~~(3) the subject matter of the complaint,~~

5-54 [~~(4) a record of each person contacted in relation to~~
 5-55 ~~the complaint,~~

5-56 [~~(5) a summary of the results of the review or~~
 5-57 ~~investigation of the complaint, and~~

5-58 [~~(6) if the department takes no action on the~~
 5-59 ~~complaint, an explanation of the reasons that no action was taken].~~

5-60 (e) The department shall develop a standard form for
 5-61 submitting a complaint and make the form available on its Internet
 5-62 website. The department shall establish a method to submit
 5-63 complaints electronically.

5-64 (f) The department shall develop a method for analyzing the
 5-65 sources and types of complaints and violations and establish
 5-66 categories for the complaints and violations. The department shall
 5-67 use the analysis to focus its information and education efforts on
 5-68 specific problem areas identified through the analysis.

5-69 (g) The department shall:

6-1 (1) compile:
6-2 (A) detailed statistics and analyze trends on
6-3 complaint information, including:
6-4 (i) the nature of the complaints;
6-5 (ii) their disposition; and
6-6 (iii) the length of time to resolve
6-7 complaints; and
6-8 (B) complaint information on a district and a
6-9 divisional basis; and
6-10 (2) report the information on a monthly basis to the
6-11 division directors, office directors, and district engineers and on
6-12 a quarterly basis to the commission.
6-13 (b) The Texas Transportation Commission shall adopt rules
6-14 under Section 201.801, Transportation Code, as amended by this
6-15 section, not later than March 1, 2012.
6-16 SECTION 14. Subsection (a), Section 201.802,
6-17 Transportation Code, is amended to read as follows:
6-18 (a) The commission shall develop and implement policies
6-19 that provide the public with a reasonable opportunity to appear
6-20 before the commission and speak on any issue under the jurisdiction
6-21 of the department [~~commission~~].
6-22 SECTION 15. (a) Subchapter J, Chapter 201, Transportation
6-23 Code, is amended by adding Sections 201.807, 201.808, 201.809,
6-24 201.810, and 201.811 to read as follows:
6-25 Sec. 201.807. PROJECT INFORMATION REPORTING SYSTEM.
6-26 (a) In this section, "department project" means a highway project
6-27 under the jurisdiction of the department, including a grouped
6-28 rehabilitation and preventive maintenance project, that:
6-29 (1) is being developed or is under construction; and
6-30 (2) is identified in the work program required under
6-31 Section 201.999.
6-32 (b) The department shall establish a project information
6-33 reporting system that makes available in a central location on the
6-34 department's Internet website easily accessible and searchable
6-35 information regarding all of the department's transportation plans
6-36 and programs, including the unified transportation program
6-37 required by Section 201.992. The department shall post information
6-38 on its Internet website as required by this subsection as the
6-39 information becomes available to the department and in a manner
6-40 that is not cost prohibitive. The project information reporting
6-41 system shall contain information about:
6-42 (1) each department project, including:
6-43 (A) the status of the project;
6-44 (B) each source of funding for the project;
6-45 (C) benchmarks for evaluating the progress of the
6-46 project;
6-47 (D) timelines for completing the project;
6-48 (E) a list of the department employees
6-49 responsible for the project, including information to contact each
6-50 person on that list; and
6-51 (F) the results of the annual review required
6-52 under Subsection (e); and
6-53 (2) the department's funds, including each source for
6-54 the department's funds, and the amount and general type or purpose
6-55 of each expenditure as described in the comptroller's statewide
6-56 accounting system, reported by each:
6-57 (A) department district;
6-58 (B) program funding category as required by
6-59 Section 201.992(b)(2); and
6-60 (C) type of revenue, including revenue from a
6-61 comprehensive development agreement or a toll project.
6-62 (c) In developing the project information reporting system,
6-63 the department shall collaborate with:
6-64 (1) the legislature;
6-65 (2) local transportation entities as defined by
6-66 Section 201.991; and
6-67 (3) members of the public.
6-68 (d) The department shall make the statistical information
6-69 provided under this section available on the department's Internet

7-1 website in more than one downloadable electronic format.
7-2 (e) As a component of the project information reporting
7-3 system required by this section, the department shall conduct an
7-4 annual review of the benchmarks and timelines of each project
7-5 included in the department's transportation plans, including the
7-6 unified transportation program, to determine the completion rates
7-7 of the projects and whether the projects were completed on time.
7-8 (f) The department shall update the information contained
7-9 in the project information reporting system on a regular basis, as
7-10 specified by commission rule.
7-11 Sec. 201.808. TRANSPORTATION EXPENDITURE PRIORITIES.
7-12 (a) The department shall develop a process to identify and
7-13 distinguish between the transportation projects that are required
7-14 to maintain the state infrastructure and the transportation
7-15 projects that would improve the state infrastructure in a manner
7-16 consistent with the statewide transportation plan required by
7-17 Section 201.601.
7-18 (b) The department shall establish a transportation
7-19 expenditure reporting system that makes available in a central
7-20 location on the department's Internet website easily accessible and
7-21 searchable information regarding the priorities of transportation
7-22 expenditures for the identified transportation projects.
7-23 (c) The department shall include in the transportation
7-24 expenditure reporting system:
7-25 (1) reports prepared by the department or an
7-26 institution of higher education that evaluate the effectiveness of
7-27 the department's expenditures on transportation projects to
7-28 achieve the transportation goal;
7-29 (2) information about the condition of the pavement
7-30 for each highway under the jurisdiction of the department,
7-31 including the percentage of pavement that the department
7-32 determines to be in good or better condition;
7-33 (3) the condition of bridges, including information
7-34 about bridge condition scores;
7-35 (4) information about peak-hour travel congestion in
7-36 the eight largest metropolitan areas of the state; and
7-37 (5) information about the number of traffic fatalities
7-38 per 100 million miles traveled.
7-39 (d) The department shall provide the information made
7-40 available under Subsection (c) in a format that allows a person to
7-41 conduct electronic searches for information regarding a specific
7-42 county, highway under the jurisdiction of the department, or type
7-43 of road.
7-44 (e) The department shall establish criteria to prioritize
7-45 the transportation needs for the state that are consistent with the
7-46 statewide transportation plan.
7-47 (f) Each department district shall enter information into
7-48 the transportation expenditure reporting system, including
7-49 information about:
7-50 (1) each district transportation project; and
7-51 (2) the category to which the project has been
7-52 assigned and the priority of the project in the category under
7-53 Section 201.996.
7-54 (g) The transportation expenditure reporting system shall
7-55 allow a person to compare information produced by that system to
7-56 information produced by the project information reporting system.
7-57 Sec. 201.809. STATEWIDE TRANSPORTATION REPORT. (a) The
7-58 department annually shall evaluate and publish a report about the
7-59 status of each transportation goal for this state. The report must
7-60 include:
7-61 (1) information about the progress of each long-term
7-62 transportation goal that is identified by the statewide
7-63 transportation plan;
7-64 (2) the status of each project identified as a major
7-65 priority;
7-66 (3) a summary of the number of statewide project
7-67 implementation benchmarks that have been completed; and
7-68 (4) information about the accuracy of previous
7-69 department financial forecasts.

8-1 (b) The department shall disaggregate the information in
 8-2 the report by department district.

8-3 (c) The department shall provide a copy of the district
 8-4 report to each member of the legislature for each department
 8-5 district located in the member's legislative district, and at the
 8-6 request of a member, a department employee shall meet with the
 8-7 member to explain the report.

8-8 (d) The department shall provide a copy of each district
 8-9 report to the political subdivisions located in the department
 8-10 district that is the subject of the report, including:

8-11 (1) a municipality;
 8-12 (2) a county; and
 8-13 (3) a local transportation entity as defined by
 8-14 Section 201.991.

8-15 Sec. 201.810. DEPARTMENT INFORMATION CONSOLIDATION.

8-16 (a) To the extent practicable and to avoid duplication of
 8-17 reporting requirements, the department may combine the reports
 8-18 required under this subchapter with reports required under other
 8-19 provisions of this code.

8-20 (b) The department shall develop a central location on the
 8-21 department's Internet website that provides easily accessible and
 8-22 searchable information to the public contained in the reports
 8-23 required under this subchapter and other provisions of this code.

8-24 Sec. 201.811. PUBLIC INVOLVEMENT POLICY. (a) The
 8-25 department shall develop and implement a policy for public
 8-26 involvement that guides and encourages public involvement with the
 8-27 department. The policy must:

8-28 (1) provide for the use of public involvement
 8-29 techniques that target different groups and individuals;

8-30 (2) encourage continuous contact between the
 8-31 department and persons outside the department throughout the
 8-32 transportation decision-making process;

8-33 (3) require the department to make efforts toward:
 8-34 (A) clearly tying public involvement to
 8-35 decisions made by the department; and

8-36 (B) providing clear information to the public
 8-37 about specific outcomes of public input; and

8-38 (4) apply to all public input with the department,
 8-39 including input:

8-40 (A) on statewide transportation policy-making;

8-41 (B) in connection with the environmental process
 8-42 relating to specific projects; and

8-43 (C) into the commission's rulemaking procedures.

8-44 (b) The department shall document the number of positive,
 8-45 negative, or neutral public comments received regarding all
 8-46 environmental impact statements as expressed by the public through
 8-47 the department's public involvement process. The department shall:

8-48 (1) present this information to the commission in an
 8-49 open meeting; and

8-50 (2) report this information on the department's
 8-51 Internet website in a timely manner.

8-52 (b) Not later than September 1, 2011, the Texas Department
 8-53 of Transportation shall establish the central location on the
 8-54 department's Internet website required by Section 201.810,
 8-55 Transportation Code, as added by this section.

8-56 SECTION 16. Chapter 201, Transportation Code, is amended by
 8-57 adding Subchapter P to read as follows:

8-58 SUBCHAPTER P. UNIFIED TRANSPORTATION PROGRAM

8-59 Sec. 201.991. DEFINITION. In this subchapter, "local
 8-60 transportation entity" means any entity that participates in the
 8-61 transportation planning process. The term includes a metropolitan
 8-62 planning organization as defined by Section 472.031, a regional
 8-63 tollway authority organized under Chapter 366, a regional
 8-64 transportation authority operating under Chapter 452, and a rural
 8-65 transit district as defined by Section 458.001.

8-66 Sec. 201.992. UNIFIED TRANSPORTATION PROGRAM. (a) The
 8-67 department shall develop a unified transportation program covering
 8-68 a period of 10 years to guide the development of and authorize
 8-69 construction of transportation projects. The program must:

9-1 (1) annually identify target funding levels; and
9-2 (2) list all projects that the department intends to
9-3 develop or begin construction of during the program period.

9-4 (b) The commission shall adopt rules that:
9-5 (1) specify the criteria for selecting projects to be
9-6 included in the program;

9-7 (2) define program funding categories, including
9-8 categories for safety, maintenance, and mobility; and

9-9 (3) define each phase of a major transportation
9-10 project, including the planning, programming, implementation, and
9-11 construction phases.

9-12 (c) The department shall publish the entire unified
9-13 transportation program and summary documents highlighting project
9-14 benchmarks, priorities, and forecasts in appropriate media and on
9-15 the department's Internet website in a format that is easily
9-16 understandable by the public.

9-17 (d) In developing the rules required by this section, the
9-18 commission shall collaborate with local transportation entities.

9-19 Sec. 201.993. ANNUAL UPDATE TO UNIFIED TRANSPORTATION
9-20 PROGRAM. (a) The department shall annually update the unified
9-21 transportation program.

9-22 (b) The annual update must include:
9-23 (1) the annual funding forecast required by Section
9-24 201.994;

9-25 (2) the list of major transportation projects required
9-26 by Section 201.995(b); and

9-27 (3) the category to which the project has been
9-28 assigned and the priority of the project in the category under
9-29 Section 201.996.

9-30 (c) The department shall collaborate with local
9-31 transportation entities to develop the annual update to the unified
9-32 transportation program.

9-33 Sec. 201.994. ANNUAL FUNDING AND CASH FLOW FORECASTS.
9-34 (a) The department annually shall:

9-35 (1) develop and publish a forecast of all funds the
9-36 department expects to receive, including funds from this state and
9-37 the federal government; and

9-38 (2) use that forecast to guide planning for the
9-39 unified transportation program.

9-40 (b) The department shall collaborate with local
9-41 transportation entities to develop scenarios for the forecast
9-42 required by Subsection (a) based on mutually acceptable funding
9-43 assumptions.

9-44 (c) Not later than September 1 of each year, the department
9-45 shall prepare and publish a cash flow forecast for a period of 20
9-46 years.

9-47 Sec. 201.995. MAJOR TRANSPORTATION PROJECTS. (a) The
9-48 commission by rule shall:

9-49 (1) establish criteria for designating a project as a
9-50 major transportation project;

9-51 (2) develop benchmarks for evaluating the progress of
9-52 a major transportation project and timelines for implementation and
9-53 construction of a major transportation project; and

9-54 (3) determine which critical benchmarks must be met
9-55 before a major transportation project may enter the implementation
9-56 phase of the unified transportation program.

9-57 (b) The department annually shall update the list of
9-58 projects that are designated as major transportation projects.

9-59 (c) In adopting rules required by this section, the
9-60 commission shall collaborate with local transportation entities.

9-61 Sec. 201.996. PRIORITY PROJECTS IN PROGRAM CATEGORIES.
9-62 (a) The commission by rule shall:

9-63 (1) establish categories in the unified
9-64 transportation program;

9-65 (2) assign each project identified in the program to a
9-66 category; and

9-67 (3) designate the priority ranking of each project
9-68 within each category.

9-69 (b) The department shall collaborate with local

10-1 transportation entities when assigning each project included in the
10-2 unified transportation program to a category established under
10-3 Subsection (a).

10-4 (c) The highest priority projects within an applicable
10-5 category of the unified transportation program must be projects
10-6 designated as major transportation projects.

10-7 Sec. 201.997. FUNDING ALLOCATION. (a) For each funding
10-8 category established under Section 201.992(b)(2), the commission
10-9 by rule shall specify the formulas for allocating funds to
10-10 districts and metropolitan planning organizations for:

10-11 (1) preventive maintenance and rehabilitation of the
10-12 state highway system in all districts;

10-13 (2) mobility and added capacity projects in
10-14 metropolitan and urban areas;

10-15 (3) mobility and added capacity projects on major
10-16 state highways that provide statewide connectivity between urban
10-17 areas and highway system corridors;

10-18 (4) congestion mitigation and air quality improvement
10-19 projects in nonattainment areas;

10-20 (5) metropolitan mobility and added capacity projects
10-21 within the boundaries of designated metropolitan planning areas of
10-22 metropolitan planning organizations located in a transportation
10-23 management area;

10-24 (6) transportation enhancements project funding; and

10-25 (7) projects eligible for federal or state funding, as
10-26 determined by the applicable district engineer.

10-27 (b) Subject to applicable state and federal law, the
10-28 commission shall determine the allocation of funds in all of the
10-29 other categories established under Section 201.992(b)(2),
10-30 including a category for projects of specific importance to the
10-31 state, including projects that:

10-32 (1) promote economic opportunity;

10-33 (2) increase efficiency on military deployment routes
10-34 or that retain military assets; and

10-35 (3) maintain the ability of appropriate entities to
10-36 respond to emergencies.

10-37 (c) The commission shall update the formulas established
10-38 under this section at least every four years.

10-39 Sec. 201.998. FUND DISTRIBUTION. (a) The department shall
10-40 allocate funds to the department districts based on the formulas
10-41 adopted under Section 201.997.

10-42 (b) In distributing funds to department districts, the
10-43 department may not exceed the cash flow forecast prepared and
10-44 published under Section 201.994(c).

10-45 Sec. 201.999. WORK PROGRAM. (a) Each department district
10-46 shall develop a consistently formatted work program based on the
10-47 unified transportation program covering a period of four years that
10-48 contains all projects that the district proposes to implement
10-49 during that period.

10-50 (b) The work program must contain:

10-51 (1) information regarding the progress of projects
10-52 designated as major transportation projects, according to project
10-53 implementation benchmarks and timelines established under Section
10-54 201.995; and

10-55 (2) a summary of the progress on other district
10-56 projects.

10-57 (c) The department shall use the work program to:

10-58 (1) monitor the performance of the district; and

10-59 (2) evaluate the performance of district employees.

10-60 (d) The department shall publish the work program in
10-61 appropriate media and on the department's Internet website.

10-62 SECTION 17. Section 202.021, Transportation Code, is
10-63 amended by amending Subsection (e) and adding Subsection (e-1) to
10-64 read as follows:

10-65 (e) The commission may waive payment for real property
10-66 transferred to a governmental entity under this section if:

10-67 (1) the estimated cost of future maintenance on the
10-68 property equals or exceeds the fair value of the property; or

10-69 (2) the property is a highway right-of-way and the

11-1 governmental entity assumes or has assumed jurisdiction, control,
11-2 and maintenance of the right-of-way for public road purposes.

11-3 (e-1) A grant transferring real property under Subsection
11-4 (e)(2) must contain a reservation providing that if property
11-5 described by that subsection ceases to be used for public road
11-6 purposes, that real property shall immediately and automatically
11-7 revert to this state.

11-8 SECTION 18. Section 223.002, Transportation Code, is
11-9 amended to read as follows:

11-10 Sec. 223.002. NOTICE OF BIDS [~~BY PUBLICATION~~]. [~~(a)~~] The
11-11 department shall give [~~publish~~] notice to interested persons
11-12 regarding [~~of~~] the time and place at which bids on a contract will
11-13 be opened and the contract awarded. The commission by rule shall
11-14 determine the most effective method for providing the notice
11-15 required by this section.

11-16 [~~(b) The notice must be published in a newspaper published~~
11-17 ~~in the county in which the improvement is to be made once a week for~~
11-18 ~~at least two weeks before the time set for awarding the contract and~~
11-19 ~~in two other newspapers that the department may designate.~~

11-20 [~~(c) Instead of the notice required by Subsection (b), if~~
11-21 ~~the department estimates that the contract involves an amount less~~
11-22 ~~than \$300,000, notice may be published in two successive issues of a~~
11-23 ~~newspaper published in the county in which the improvement is to be~~
11-24 ~~made.~~

11-25 [~~(d) If a newspaper is not published in the county in which~~
11-26 ~~the improvement is to be made, notice shall be published in a~~
11-27 ~~newspaper published in the county:~~

11-28 [~~(1) nearest the county seat of the county in which the~~
11-29 ~~improvement is to be made; and~~

11-30 [~~(2) in which a newspaper is published.]~~

11-31 SECTION 19. Subchapter A, Chapter 223, Transportation Code,
11-32 is amended by adding Section 223.017 to read as follows:

11-33 Sec. 223.017. DESIGN-BUILD CONTRACTS FOR NONTOLLED HIGHWAY
11-34 PROJECTS. (a) In this section, "design-build contract" means an
11-35 agreement with a private entity for the design and construction,
11-36 rehabilitation, expansion, or improvement of a highway project but
11-37 does not include the financing or operation of the highway.

11-38 (b) The department may enter into a design-build contract
11-39 for a nontolled highway project.

11-40 (c) Notwithstanding Section 223.0041, if the department
11-41 enters into a design-build contract under this section, the
11-42 department shall use a competitive procurement process that
11-43 provides the best value for the department.

11-44 (d) The commission shall adopt rules specifying the
11-45 conditions under which a design-build contract may be considered.
11-46 In developing rules the commission must address:

11-47 (1) the size and complexity of an eligible project;
11-48 (2) the time constraints for delivery of an eligible
11-49 project;

11-50 (3) the level and training of the staff required to
11-51 manage an eligible project; and

11-52 (4) other factors the commission considers important.

11-53 SECTION 20. Section 391.004, Transportation Code, is
11-54 amended to read as follows:

11-55 Sec. 391.004. DISPOSITION OF FEES [~~TEXAS HIGHWAY~~
11-56 ~~BEAUTIFICATION FUND ACCOUNT~~]. [~~The Texas highway beautification~~
11-57 ~~fund account is an account in the general revenue fund.] Money the~~
11-58 ~~commission receives under this chapter shall be deposited to the~~
11-59 ~~credit of the state [Texas] highway [beautification] fund~~
11-60 ~~[account]. The commission shall use money in the state [Texas]~~
11-61 ~~highway [beautification] fund [account] to administer this chapter~~
11-62 ~~and Chapter 394.~~

11-63 SECTION 21. (a) Subchapter A, Chapter 391, Transportation
11-64 Code, is amended by adding Section 391.006 to read as follows:

11-65 Sec. 391.006. COMPLAINTS; RECORDS. (a) The commission by
11-66 rule shall establish procedures for accepting and resolving written
11-67 complaints related to outdoor advertising under this chapter. The
11-68 rules must include:

11-69 (1) a process to make information available describing

12-1 the department's procedures for complaint investigation and
 12-2 resolution, including making information about the procedures
 12-3 available on the department's Internet website;

12-4 (2) a system to prioritize complaints so that the most
 12-5 serious complaints receive attention before less serious
 12-6 complaints; and

12-7 (3) a procedure for compiling and reporting detailed
 12-8 annual statistics about complaints.

12-9 (b) The department shall provide to each person who files a
 12-10 written complaint with the department, and to each person who is the
 12-11 subject of a complaint, information about the department's policies
 12-12 and procedures relating to complaint investigation and resolution.

12-13 (c) The department shall keep, pursuant to the department's
 12-14 approved records retention schedule, an information file about each
 12-15 written complaint filed with the department that the department has
 12-16 authority to resolve. The department shall keep the following
 12-17 information for each complaint for the purpose of enforcing this
 12-18 chapter:

12-19 (1) the date the complaint is filed;

12-20 (2) the name of the person filing the complaint;

12-21 (3) the subject matter of the complaint;

12-22 (4) each person contacted in relation to the
 12-23 complaint;

12-24 (5) a summary of the results of the review or
 12-25 investigation of the complaint; and

12-26 (6) if the department does not take action on the
 12-27 complaint, an explanation of the reasons that action was not taken.

12-28 (d) If a written complaint is filed with the department that
 12-29 the department has authority to resolve, the department, at least
 12-30 quarterly and until final disposition of the complaint, shall
 12-31 notify the parties to the complaint of the status of the complaint
 12-32 unless the notice would jeopardize an ongoing department
 12-33 investigation.

12-34 (b) The Texas Transportation Commission shall adopt rules
 12-35 under Section 391.006, Transportation Code, as added by this
 12-36 section, not later than September 1, 2012.

12-37 SECTION 22. Subchapter B, Chapter 391, Transportation Code,
 12-38 is amended by adding Section 391.0355 to read as follows:

12-39 Sec. 391.0355. ADMINISTRATIVE PENALTY. (a) In lieu of a
 12-40 suit to collect a civil penalty, the commission, after notice and an
 12-41 opportunity for a hearing before the commission, may impose an
 12-42 administrative penalty against a person who violates this chapter
 12-43 or a rule adopted by the commission under this chapter. Each day a
 12-44 violation continues is a separate violation.

12-45 (b) The amount of the administrative penalty may not exceed
 12-46 the maximum amount of a civil penalty under Section 391.035.

12-47 (c) A proceeding under this section is a contested case
 12-48 under Chapter 2001, Government Code.

12-49 (d) Judicial review of an appeal of an administrative
 12-50 penalty imposed under this section is under the substantial
 12-51 evidence rule.

12-52 (e) An administrative penalty collected under this section
 12-53 shall be deposited to the credit of the state highway fund.

12-54 SECTION 23. Section 391.063, Transportation Code, is
 12-55 amended to read as follows:

12-56 Sec. 391.063. LICENSE FEE. The commission may set the
 12-57 amount of a license fee according to a scale graduated by the number
 12-58 of units of outdoor advertising and the number of off-premise signs
 12-59 under Chapter 394 owned by a license applicant.

12-60 SECTION 24. Subsection (b), Section 391.065,
 12-61 Transportation Code, is amended to read as follows:

12-62 (b) For the efficient management and administration of this
 12-63 chapter and to reduce the number of employees required to enforce
 12-64 this chapter, the commission shall adopt rules for issuing
 12-65 standardized forms that are for submission by license holders and
 12-66 applicants and that provide for an accurate showing of the number,
 12-67 location, or other information required by the commission for each
 12-68 license holder's or applicant's outdoor advertising or off-premise
 12-69 signs under Chapter 394.

13-1 SECTION 25. Section 391.066, Transportation Code, is
13-2 amended by adding Subsection (d) to read as follows:

13-3 (d) The commission may deny the renewal of a license
13-4 holder's license if the license holder has not complied with the
13-5 permit requirements of this chapter or Chapter 394.

13-6 SECTION 26. Subchapter C, Chapter 391, Transportation Code,
13-7 is amended by adding Section 391.0661 to read as follows:

13-8 Sec. 391.0661. APPLICABILITY OF LICENSE. In addition to
13-9 authorizing a person to erect or maintain outdoor advertising, a
13-10 license issued under this chapter authorizes a person to erect or
13-11 maintain an off-premise sign under Chapter 394.

13-12 SECTION 27. Section 394.005, Transportation Code, is
13-13 amended to read as follows:

13-14 Sec. 394.005. DISPOSITION OF FEES. Money the commission
13-15 receives [A registration fee collected] under this chapter [Section
13-16 394.048 by the commission] shall be deposited to the credit of the
13-17 state highway fund.

13-18 SECTION 28. (a) Subchapter A, Chapter 394, Transportation
13-19 Code, is amended by adding Section 394.006 to read as follows:

13-20 Sec. 394.006. COMPLAINTS; RECORDS. (a) The commission by
13-21 rule shall establish procedures for accepting and resolving written
13-22 complaints related to signs under this chapter. The rules must
13-23 include:

13-24 (1) a process to make information available describing
13-25 the department's procedures for complaint investigation and
13-26 resolution, including making information about the procedures
13-27 available on the department's Internet website;

13-28 (2) a system to prioritize complaints so that the most
13-29 serious complaints receive attention before less serious
13-30 complaints; and

13-31 (3) a procedure for compiling and reporting detailed
13-32 annual statistics about complaints.

13-33 (b) The department shall provide to each person who files a
13-34 written complaint with the department, and to each person who is the
13-35 subject of a complaint, information about the department's policies
13-36 and procedures relating to complaint investigation and resolution.

13-37 (c) The department shall keep, pursuant to the department's
13-38 approved records retention schedule, an information file about each
13-39 written complaint filed with the department that the department has
13-40 authority to resolve. The department shall keep the following
13-41 information for each complaint for the purpose of enforcing this
13-42 chapter:

13-43 (1) the date the complaint is filed;

13-44 (2) the name of the person filing the complaint;

13-45 (3) the subject matter of the complaint;

13-46 (4) each person contacted in relation to the
13-47 complaint;

13-48 (5) a summary of the results of the review or
13-49 investigation of the complaint; and

13-50 (6) if the department does not take action on the
13-51 complaint, an explanation of the reasons that action was not taken.

13-52 (d) If a written complaint is filed with the department that
13-53 the department has authority to resolve, the department, at least
13-54 quarterly and until final disposition of the complaint, shall
13-55 notify the parties to the complaint of the status of the complaint
13-56 unless the notice would jeopardize an ongoing department
13-57 investigation.

13-58 (b) The Texas Transportation Commission shall adopt rules
13-59 under Section 394.006, Transportation Code, as added by this
13-60 section, not later than September 1, 2012.

13-61 SECTION 29. The heading to Subchapter B, Chapter 394,
13-62 Transportation Code, is amended to read as follows:

13-63 SUBCHAPTER B. LICENSE AND PERMIT FOR OFF-PREMISE SIGN

13-64 SECTION 30. (a) Subchapter B, Chapter 394, Transportation
13-65 Code, is amended by adding Sections 394.0201, 394.0202, 394.0203,
13-66 394.0204, 394.0205, 394.0206, 394.0207, 394.027, 394.028, and
13-67 394.029 to read as follows:

13-68 Sec. 394.0201. ERECTING OFF-PREMISE SIGN WITHOUT LICENSE;
13-69 OFFENSE. (a) A person commits an offense if the person wilfully

14-1 erects or maintains an off-premise sign on a rural road without a
 14-2 license under this subchapter.

14-3 (b) An offense under this section is a misdemeanor
 14-4 punishable by a fine of not less than \$500 or more than \$1,000. Each
 14-5 day of the proscribed conduct is a separate offense.

14-6 (c) A person is not required to obtain a license to erect or
 14-7 maintain an on-premise sign.

14-8 Sec. 394.0202. ISSUANCE AND PERIOD OF LICENSE. (a) The
 14-9 commission shall issue a license to a person who:

14-10 (1) files with the commission a completed application
 14-11 form within the time specified by the commission;

14-12 (2) pays the appropriate license fee; and

14-13 (3) files with the commission a surety bond.

14-14 (b) A license may be issued for one year or longer.

14-15 (c) At least 30 days before the date on which a person's
 14-16 license expires, the commission shall notify the person of the
 14-17 impending expiration. The notice must be in writing and sent to the
 14-18 person's last known address according to the records of the
 14-19 commission.

14-20 Sec. 394.0203. LICENSE FEE. The commission may set the
 14-21 amount of a license fee according to a scale graduated by the number
 14-22 of off-premise signs and units of outdoor advertising under Chapter
 14-23 391 owned by a license applicant.

14-24 Sec. 394.0204. SURETY BOND. (a) The surety bond required
 14-25 of an applicant for a license under Section 394.0202 must be:

14-26 (1) in the amount of \$2,500 for each county in the
 14-27 state in which the person erects or maintains an off-premise sign;
 14-28 and

14-29 (2) payable to the commission for reimbursement for
 14-30 removal costs of an off-premise sign that the license holder
 14-31 unlawfully erects or maintains.

14-32 (b) A person may not be required to provide more than
 14-33 \$10,000 in surety bonds.

14-34 Sec. 394.0205. RULES; FORMS. (a) The commission may adopt
 14-35 rules to implement Sections 394.0201(a), 394.0202, 394.0203,
 14-36 394.0204, and 394.0206.

14-37 (b) For the efficient management and administration of this
 14-38 chapter and to reduce the number of employees required to enforce
 14-39 this chapter, the commission shall adopt rules for issuing
 14-40 standardized forms that are for submission by license holders and
 14-41 applicants and that provide for an accurate showing of the number,
 14-42 location, or other information required by the commission for each
 14-43 license holder's or applicant's off-premise signs or outdoor
 14-44 advertising under Chapter 391.

14-45 (c) The commission may not adopt a rule under this chapter
 14-46 that restricts competitive bidding or advertising by the holder of
 14-47 a license issued under this chapter other than a rule to prohibit
 14-48 false, misleading, or deceptive practices. The limitation provided
 14-49 by this section applies only to rules relating to the occupation of
 14-50 outdoor advertiser and does not affect the commission's power to
 14-51 regulate the orderly and effective display of an off-premise sign
 14-52 under this chapter. A rule to prohibit false, misleading, or
 14-53 deceptive practices may not:

14-54 (1) restrict the use of:

14-55 (A) any legal medium for an advertisement;

14-56 (B) the license holder's advertisement under a
 14-57 trade name; or

14-58 (C) the license holder's personal appearance or
 14-59 voice in an advertisement, if the license holder is an individual;
 14-60 or

14-61 (2) relate to the size or duration of an advertisement
 14-62 by the license holder.

14-63 Sec. 394.0206. REVOCATION OR SUSPENSION OF LICENSE; APPEAL.

14-64 (a) The commission may revoke or suspend a license issued under
 14-65 this subchapter or place on probation a license holder whose
 14-66 license is suspended if the license holder violates this chapter or
 14-67 a rule adopted under this chapter. If the suspension of the license
 14-68 is probated, the department may require the license holder to
 14-69 report regularly to the commission on any matter that is the basis

15-1 of the probation.

15-2 (b) The judicial appeal of the revocation or suspension of a
 15-3 license must be initiated not later than the 15th day after the date
 15-4 of the commission's action.

15-5 (c) The commission may adopt rules for the reissuance of a
 15-6 revoked or suspended license and may set fees for the reissuance.

15-7 (d) The commission may deny the renewal of a license
 15-8 holder's existing license if the license holder has not complied
 15-9 with the permit requirements of this chapter or Chapter 391.

15-10 Sec. 394.0207. APPLICABILITY OF LICENSE. In addition to
 15-11 authorizing a person to erect or maintain an off-premise sign, a
 15-12 license issued under this chapter authorizes a person to erect or
 15-13 maintain outdoor advertising under Chapter 391.

15-14 Sec. 394.027. DENIAL OF PERMIT; APPEAL. The commission may
 15-15 create a process by which an applicant may appeal a denial of a
 15-16 permit under this subchapter.

15-17 Sec. 394.028. FEE AMOUNTS. The license and permit fees
 15-18 required by this subchapter may not exceed an amount reasonably
 15-19 necessary to cover the administrative costs incurred to enforce
 15-20 this chapter.

15-21 Sec. 394.029. EXCEPTIONS FOR CERTAIN NONPROFIT
 15-22 ORGANIZATIONS. (a) The combined license and permit fees under
 15-23 this subchapter may not exceed \$10 for an off-premise sign erected
 15-24 and maintained by a nonprofit organization in a municipality or a
 15-25 municipality's extraterritorial jurisdiction if the sign relates
 15-26 to or promotes only the municipality or a political subdivision
 15-27 whose jurisdiction is wholly or partly concurrent with the
 15-28 municipality.

15-29 (b) The nonprofit organization is not required to file a
 15-30 bond as provided by Section 394.0202(a)(3).

15-31 (b) The change in law made by Section 394.0201,
 15-32 Transportation Code, as added by this section, applies only to an
 15-33 off-premise sign erected or for which the permit expires on or after
 15-34 the effective date of this Act. An off-premise sign for which a
 15-35 permit is issued before the effective date of this Act is covered by
 15-36 the law in effect when the permit was issued, and the former law is
 15-37 continued in effect for that purpose.

15-38 SECTION 31. Section 394.050, Transportation Code, is
 15-39 amended to read as follows:

15-40 Sec. 394.050. [~~BOARD OF~~] VARIANCE. The commission or a
 15-41 person designated by the commission [~~shall provide for a board of~~
 15-42 ~~variance that~~], in an appropriate case and subject to an
 15-43 appropriate condition or safeguard, may make a special exception to
 15-44 this chapter regarding a permit for an off-premise outdoor sign on a
 15-45 rural road.

15-46 SECTION 32. Subsections (a) and (d), Section 394.082,
 15-47 Transportation Code, are amended to read as follows:

15-48 (a) In lieu of a suit to collect a civil penalty, the
 15-49 commission, after notice and an opportunity for a hearing before
 15-50 the commission, may impose an administrative penalty against a
 15-51 person who [~~intentionally~~] violates this chapter or a rule adopted
 15-52 by the commission under this chapter. Each day a violation
 15-53 continues is a separate violation.

15-54 (d) Judicial review of an appeal of an administrative
 15-55 penalty imposed under this section is under the substantial
 15-56 evidence rule [~~by trial de novo~~].

15-57 SECTION 33. Subchapter D, Chapter 472, Transportation Code,
 15-58 is amended by adding Section 472.035 to read as follows:

15-59 Sec. 472.035. COORDINATION WITH DEPARTMENT TO DEVELOP
 15-60 LONG-TERM PLANNING ASSUMPTIONS. Each metropolitan planning
 15-61 organization shall work with the department to develop mutually
 15-62 acceptable assumptions for the purposes of long-range federal and
 15-63 state funding forecasts and use those assumptions to guide
 15-64 long-term planning in the organization's long-range transportation
 15-65 plan.

15-66 SECTION 34. Chapter 544, Transportation Code, is amended by
 15-67 adding Section 544.013 to read as follows:

15-68 Sec. 544.013. CHANGEABLE MESSAGE SIGN SYSTEM. (a) In this
 15-69 section, "changeable message sign" means a sign that conforms to

16-1 the manual and specifications adopted under Section 544.001. The
16-2 term includes a dynamic message sign.

16-3 (b) The Texas Department of Transportation in cooperation
16-4 with local governments shall actively manage a system of changeable
16-5 message signs located on highways under the jurisdiction of the
16-6 department to mitigate traffic congestion by providing current
16-7 information to the traveling public, including information about
16-8 traffic incidents, weather conditions, road construction, and
16-9 alternative routes when applicable.

16-10 SECTION 35. Subchapter A, Chapter 621, Transportation Code,
16-11 is amended by adding Section 621.008 to read as follows:

16-12 Sec. 621.008. STUDY REGARDING OVERSIZE AND OVERWEIGHT
16-13 VEHICLES. (a) The department shall conduct a study to determine
16-14 improvements to the regulation of oversize and overweight vehicles.

16-15 (b) In conducting the study, the department shall consider:

16-16 (1) prohibiting overweight vehicles or vehicle
16-17 combinations from traveling on state highways if the vehicle or
16-18 combination will cause damage to a road or bridge, based on the
16-19 weight or load specifications to which the road or bridge was built;

16-20 (2) requiring each applicant for a permit under
16-21 Chapter 623 to pay a graduated highway maintenance fee based on
16-22 weight and the amount of damage done by the permitted vehicle or
16-23 vehicle combination to roads and bridges;

16-24 (3) requiring each fee collected for an overweight or
16-25 oversize vehicle permit to be deposited in the state highway fund;

16-26 (4) eliminating all exemptions for overweight
16-27 vehicles; and

16-28 (5) the feasibility and impact of different approaches
16-29 to regulating oversize and overweight vehicles that would help
16-30 reduce damage to roads and bridges and provide increased funding
16-31 for maintenance costs in the future.

16-32 (c) Not later than December 31, 2011, the department shall
16-33 report the results of the study conducted under this section to the
16-34 governor, the lieutenant governor, the speaker of the house of
16-35 representatives, and the appropriate oversight committee of each
16-36 house of the legislature.

16-37 (d) This section expires September 1, 2012.

16-38 SECTION 36. Section 201.0545, Transportation Code, is
16-39 repealed.

16-40 SECTION 37. This Act takes effect September 1, 2011.

16-41 * * * * *