Summary of the 82nd Legislative Session
Texas Transportation Institute

TTI By the Numbers - During the Session
4 formal testimony presentations before legislative committees at the request of bill authors / sponsors
5 meetings with legislative members
7 formal meetings with legislative staff responding to requests
20 responses to inquiries from legislative offices (some leading to additional/multiple follow-ups)

Official TTI Testimony During the 82nd Legislative Regular Session

March 9 – Joel Cooper testified before the House Transportation Committee on HB 287, relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle, at the request of Rep. Eddie Lucio III. The texting while driving ban was ultimately passed as part of HB 242 by Rep. Tom Craddick, but vetoed by the Governor.

March 16 – Joel Cooper testified before the Senate Transportation and Homeland Security Committee on SB 119, relating to the creation of an offense for certain uses of a wireless communication device when operating a motor vehicle, at the request of Sen. Carlos Uresti. The texting while driving ban was ultimately passed as part of HB 242 by Rep. Tom Craddick, but vetoed by the Governor.

March 22 – Melissa Walden testified before the House Criminal Jurisprudence Committee on HB 189, relating to the punishment for certain intoxication offenses on ignition interlock devices, at the request of Rep. Todd Smith. HB 189 passed in the House but was never heard in the Senate Committee. No additional changes were made to Texas DWI laws regarding ignition interlock devices. HB 189 passed out of the House Criminal Jurisprudence Committee but was never considered by the full House. [Several DWI-related bills did pass including HB 1199, relating to the penalty for certain intoxication assaults; SB 364, relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated; and SB 1787, relating to the information provided by a peace officer before requesting a specimen to determine intoxication. Each of the DWI-related bills was signed by the Governor and becomes effective 09/01/11.]

March 28 - Ginger Goodin testified before the House Transportation Committee on HB 1669, relating to the establishment of an electric motor vehicle mileage fee pilot program by the Texas Department of Motor Vehicles, at the request of the author, Rep. Linda Harper-Brown. Goodin worked closely with Harper-Brown’s office and the Texas Legislative Council on the drafting of this legislation. The bill passed out of the House Committee but was never considered by the full House.

TTI Employees Involved in Responses to Legislative Requests
During the 82nd Session of the Texas Legislature, the following individuals assisted, prepared, or presented information related to bills under consideration: David Bierling, Quinn Brackett, Don Bugh, Dennis Christiansen, Paul Carlson, Sue Chrysler, Joel Cooper, David Ellis, Jon Epps, Kay Fitzpatrick, Bernie Fette, Russell Henk, Laura Higgins, Samantha Holland, Debbie Jasek, Tim Lomax, Curtis Morgan, John Mounce, Dennis Perkinson, Christopher Poe, Bill Stockton, Gary Thomas, Sharada Vadali, Melissa Walden, Troy Walden, Cinde Weatherby, Andrew Wimsatt, Katie Womack (All responses provided under the coordination of TAMU Assistant Vice Chancellor for External Affairs Tiffany Britton or her predecessor Cathy Reiley)
Transportation Bills of Interest -- Passed

Cell phones / texting
A number of bills were tracked dealing with distracted driving, HB 242 by Representative Craddick passed. It would have created an offense for using text-based communications while operating a vehicle with exceptions. It addressed text, instant, and email messages. [HB 242 VETOED BY GOVERNOR – see http://governor.state.tx.us/news/veto/16283/ for veto statement]

HB 1899 – Pickett -- Will release local governments from the requirement to post signs prohibiting wireless communication while driving at school crossing zones, if wireless communication while driving is prohibited throughout the jurisdiction, and would allow local jurisdictions more flexibility in regulating wireless communication. [Effective 09/01/11]

HB 2466 – Phillips – Will prohibit, except in emergencies, the use of hand-held wireless communication devices by minors while driving, and by motorcyclists and moped drivers under 17 holding a restricted license, and require TxDOT to revoke minor's driver's licenses in cases of truancy. [Effective 09/01/11]

Driver education / licensing
HB 90 – Cook -- Will increase the age for a hardship license from 15 to 15 1/2 years, increases the required age for enrollment in driver education from 14 to 15, and will no longer allow waive the driver training requirement. [Effective 09/01/11]

HB 2678 – Todd Smith (SB 1114 – Wentworth)-- Will increase the responsibilities of driver education and safety programs, including requiring programs to print and issue their own certificates after purchase from the Texas Education Agency, allowing for a fee to approve curriculum, and amending teaching requirements. [Effective 09/01/11]

SB 1330 – Watson -- Will create specific requirements for a driver education course to be required of persons under the age of 25 (focusing on risks more prevalent among younger drivers) to receive a driver's license or obtain deferred adjudication. [Effective 09/01/11]

SB 1608 – Carona -- Will clarify existing law to define operating a motor vehicle without a driver’s license “for any reason” as an offense, unless an exemption applies. [Governor signed & effective 09/01/11]

DWI
HB 1199 – Gallego -- Will make intoxication assault a 2nd degree felony (instead of a 3rd degree felony under current law), if the assault places the victim "in a persistent vegetative state." [Effective 09/01/11]

SB 364 – Ogden -- Will require the DPS to produce an annual report on DWI prosecutions in Texas. [Effective 09/01/11]

SB 1787 – Patrick -- Will require peace officers requesting a specimen to inform the person that if they refuse, the officer may request a warrant to take the specimen from the person. [Effective 09/01/11]

Emissions Reduction
HB 3399 – Legler, Strama, Reynolds, and Chisum – Requires TCEQ to provide a simplified grant-application form for the Texas Emissions Reduction Plan (TERP) Diesel Emissions Reduction Incentive Program. [Effective 09/01/11]

SB 527 – Fraser – Amends the Health and Safety Code regarding certain uses of TERP monies allocated to the diesel emissions reduction incentive program. [Governor signed & effective 09/01/11]
Environmental review
HB 630 – Pickett; SB 548 – Nichols (Similar) – Will authorize TxDOT, counties, tollway authorities and regional mobility authorities (RMAs) to contract with state or federal agencies to expedite environmental review processes. (Most of the language also in SB 1420) [HB 630 effective 09/01/11; SB 548 effective 09/01/11, except sections of the bill affection Section 222.005 of the Transportation code which are effective 06/17/11]

Emergency vehicles
HB 378 – Guillen -- Will require motorists to change lanes (if possible) when approaching a tow truck and traveling in the same direction as the truck, allowing extra space and reducing speed in the same manner required when approaching stationary emergency vehicles. [Effective 09/1/11]

Finance
HB 1 – Pitts – Included the necessary appropriation from state general revenues to issue $3 billion in bond debt for transportation projects. Provides the transportation commission the ability to offer higher compensation for a future department executive director. [Sent to Comptroller 5/31/11; sent on to Governor 6/8/11; signed by Governor 6/17/11 with some line item vetoes – see http://governor.state.tx.us/news/veto/16302/ for veto details; effective 09/01/11]

Regarding HB 1, also visit: http://www.lbb.state.tx.us/Bill_82/4_Conference/prtHB1_Conference_2011_SIG_Engross.pdf

HB 2972 – Todd Smith – Would have permitted reauthorization elections for local municipal street maintenance sales taxes every eight years rather than every four years, if voters previously approved at least twice previous votes by at least 66 percent. [VETOED BY GOVERNOR – see http://governor.state.tx.us/news/veto/16279/ for veto statement]

SB 1048 – Jackson – Allows concession agreements for public private partnerships for various kinds of capital projects, including ferries, vehicle parking facilities, or port facilities. Excludes financing, design, construction, maintenance, or operation of a highway in a state highway system. Also not available for use by any special district public transit authorities. [Effective 09/01/11]

HOV lanes
SB 990 – Carona – Will authorize penalties for improper use of RTA-managed HOV lanes, setting the maximum fine at $100, and making failure to pay a Class C misdemeanor. [Effective 09/01/11]

Overweight vehicles
HB 422 – Guillen -- Will impose several restrictions on the issuance of such permits, including the requirement for an engineering study of the vehicle’s planned route to consider weight and potential road damage, and would also require a bond to cover costs of any damage caused by the carrier. [Effective 06/17/11]

SB 524 – Hegar -- Will limit the roads in Victoria County which can be issued overweight vehicle permits, and raise the fee from $80 to $100. [Effective date of 09/01/11]

HB 1305 – Bonnen -- Will limit the overweight vehicle permits issued by port authorities to three possible routes in Brazoria County, just south of Harris County. [Effective 06/17/11]

HB 3309 – Rodriguez -- Will transfer the authority to set maximum weights for state roadways from the Texas Transportation Commission to the executive director of TxDOT. (Also included in SB 1420) [Effective 06/17/11]
Public Transit

HB 423 – Guillen – Grants rural or urban transit district governing boards the authority to establish rules for safe and efficient operations and maintenance of their systems, except as it relates to police enforcement. [Effective 06/17/11]

HB 2327 – McClendon – Would have allowed bus-only lane pilot programs in Bexar, Denton, El Paso and Travis counties, with buses to use designated shoulder lanes during periods of heavy traffic. (TTI responded to the issue prior to the session.) [VETOED BY GOVERNOR – see http://governor.state.tx.us/news/veto/16276/ for veto statement]

SB 650 – Hegar – Implements recommendations for Capital Metro from the Sunset Commission: requiring an annual five-year capital plan; annual strategic plan evaluations; forbid quotas for HUBs in capital improvement projects; maintain reserve accounts; file annual reports on progress to each member of the Texas Legislature; adopt a comprehensive rail safety plan; issue bonds only as related to pension benefit obligations; and provide services to the disabled even in areas that withdraw from the authority area. [Effective 06/17/11]

SB 888 – Corona – Will permit Dallas Area Rapid Transit and the Fort Worth Transportation Authority to create a local government corporation as a tool to enable non-member cities to pay for and receive certain transit services as well as use public-private partnerships to develop projects. [Effective 06/17/11]

SB 1422 – Nelson – Will allow for the enforced collection of public transportation fares, creating a misdemeanor offense, and provide for the tax increment financing of public transportation financing areas, as applies to county transportation authorities (Denton County Transportation Authority). [Effective 09/01/11]

Rail

HB 3030 – McClendon – Defines commuter rail, relaxes some regulatory restriction placed on commuter rail districts, and provides for the tax increment bond financing of commuter rail districts. [Effective 09/01/11]

HB 3771 – Harper-Brown – Will authorize TxDOT to adopt safety standards for high-speed passenger rail, and impose fees to recover the costs of related administration. [Effective 09/01/11]

School buses

SB 1610 – Lucio – Will require school buses to have seat belts only if funds are provided by the legislature. [Effective 09/01/11]

Speed limits

HB 109 – Fred Brown – Will set out provisions for establishing temporary speed limits while a crash investigation is in progress. [Effective 09/01/11]

HB 1353 – Elkins – Establishes the same speed limit for daytime and nighttime and raises the speed limit to 75 miles per hour on state highways or U.S. highways outside an urban district. It also removes the different, lesser speed limit for heavy trucks. TTI responded to a legislative request for a policy brief on this issue early in the legislative session. As the bill progressed, the brief was distributed to, including the media. [Effective 09/01/11]

HB 2596 – Garza – Will authorize counties to lower the speed limit of a privately maintained road to not less than 20 mph, upon the request of all the adjacent property owners. [Effective 06/17/11]
Traffic signals
HB 885 – Rodriguez – Will allow drivers to continue without stopping when faced with a blank entrance-ramp signal or pedestrian-activated signal. [Effective 06/17/11]

Transportation reinvestment zones
HB 563 – Pickett – Will set out guidelines and restrictions for collection and use of tax revenue in transportation reinvestment zones. Some of the language is also incorporated into SB 1420 (TxDOT sunset bill) [Effective date of 09/01/11]

HJR 63 – Pickett – Adds the ability for counties to also use the transportation reinvestment zone revenue stream, selling bonds against future ad valorem taxes. (Requires vote in November 8, 2011 Constitutional Amendment Election)

Toll roads
SB 19 – Nichols – Will replace the current language governing toll entities with a new chapter and corresponding modification to the Transportation Code, which will regulate: a process giving first right of developing a tollway to the local tolling entity and the ability for TxDOT to claim the project if the local entity fails to act upon a tollway project in an MPO-approved long-range plan. In addition to expansion of existing toll facilities, it provides for actions on nine additional projects. [Effective 06/17/11]

HB 1112 – Phillips – Will expand the authority of regional mobility authorities with respect to eligible projects, financing and contractual agreements. Adds intermodal hubs, parking facilities, and improvements in TRZs as potential projects. Addresses RMAs developed by municipalities and contingent processes. [Effective 06/17/11]

TxDOT Administration
SB 1420 – Hinojosa, Hegar, Nichols (Companion to HB 2675 by Harper-Brown, Phillips, Pickett, Bonnen) – Reauthorizes TxDOT as a state agency through 2015. (Additional detail provided in Appendix 1) [Effective 09/01/11]

Bills of Interest – Failed to Pass

Finance
HB 1898 – Pickett – Would have authorized municipalities which border Mexico and have a population over 500,000 to hold elections on the issue of imposing an additional registration fee on local vehicles, to be used for specified transportation projects in the municipality. (TTI provided data during the interim.)

Red light cameras
Members proposed a total of five bills and one House floor amendment that would have affected the use and operation of red light cameras. None of these measures passed. Two were voted out of their first committee but proceeded no further: HB 1365 by Callegari, which would have required a flashing yellow light to be posted at least 100 feet in advance of a red light camera intersection, and HB 2852 by Mallory Caraway, which would have required signs to indicate where red light cameras are in use and where right-turn-on-red is permissible. Three other bills fell short of a first committee hearing: HB 1066 by Workman would have required a prominent countdown timer at red light camera intersections; HB 1561 by Orr would have required a public vote to allow use of red light cameras; and SB 500 by Jackson would have prohibited any use of red light cameras. A floor amendment to the TxDOT sunset bill by Gallego which would have prohibited use of red light cameras in cities with a population under 40,000 was originally adopted but removed in conference committee. (TTI provided information during the interim.)
Traffic Control

HB 3269 – Callegari – Would have qualified traffic-control signalization programs for emissions-reducing grants, and commission a TxDOT study on possible improvements to traffic-control signalization, including alternatives to red lights, cameras and smart light technology. *(TTI provided testimony during the interim.)*

VMT

HB 1669, relating to the establishment of an electric motor vehicle mileage fee pilot program by the Texas Department of Motor Vehicles, by Rep. Linda Harper-Brown, did not pass. Ginger Goodin worked with Rep. Harper-Brown and the Texas Legislative Council on the drafting of this legislation, in addition to providing testimony during the bill’s hearing in House Transportation.
Appendix 1
Summary of Texas Department of Transportation Sunset Bill
SB 1420 by Senators Hinojosa, Hegar, and Nichols; Effective Date of September 1, 2011
(Considered in the House as HB 2675 by Representatives Harper-Brown, Pickett, and Bonnen)

Sunset
• Normally agencies are reviewed every 12 years. This bill sets the date for the next TxDOT sunset review for 2015
• Requires a complete and detailed financial audit conducted by an independent CPA prior to the next sunset review

Commission
• Calls for one commission member to be a registered voter in a county with population of less than 150,000
• Disqualifies commission members who accept any campaign contribution for election to any elected office

TxDOT Management
• Requires the Chief Financial Officer to monthly certify that the department’s liabilities not exceed the most recent cash flow forecast
• Requires the TxDOT Legislative Appropriation Request (LAR) to be considered in a public meeting not later than 30 days before the submission to the Legislative Budget Board
• Prohibits use of any funds controlled by the department for legislative lobbying
• Establishes a compliance program, including a compliance office, to oversee the department’s programs. Reports by the compliance office director shall be presented at each regularly scheduled commission meeting.

Planning
• Requires a 24-year statewide transportation plan including: highways and turnpikes; aviation; mass transportation; railroads and high-speed railroads; and water traffic. The legislation prescribes the content and the process to be used. It must include a component that is not financially constrained and identifies improvements designed to relieve congestion.
  o The department must annually provide the Lt. Governor, Speaker, and chairs of each standing transportation committee an analysis of progress in attaining goals of the plan.
  o The plan must be updated every four years or more frequently as necessary.
  o Plans and policy efforts must be integrated and clearly state relationships to stated goals.
• Deployment of a process to prioritize expenditures is required, and prescribed (with reports prepared by the department or an institute of higher education that evaluate the effectiveness of the department’s expenditures on transportation projects to achieve the transportation goal explicit).
• A 10-year Unified Transportation Program is dictated for guiding the development and authorization of project construction.
  o Details prescribe the identification of annual targeted funding levels (and in some cases formulas for fund distributions) and project selection criteria development (including a classification of “major transportation projects”)
  o Annual UTP updates are required
    o Each district must develop consistently formatted four-year work programs based on the UTP
      ▪ Work plans will be used to monitor district performance and district employees
      ▪ Work plans (like most everything else) must be posted online
  o Requires MPOs to work with the department on mutually acceptable assumptions for long-range federal and state funding forecasts and use them to guide long-term planning
Public Involvement
• The department is directed to develop and implement a policy for public involvement, with the legislation dictating quite a bit of detail

Environmental Review Process
• Requires the commission by rule to establish standards for processing environmental review documents for highway projects and is prescriptive about much of the content
  ○ Allows local governments to complete the review in some cases (mainly if the project is not budgeted by the department); and requires local governments to pay a fee to TxDOT to cover the department’s review of documents.
• Provisions are authorized for agreeing to provide funds to state and federal agencies to expedite environmental reviews
• An environmental review certification process must be established by the department to certify district environmental specialists to work on all state and federal EA documents. Continuing education for recertification is also required.

Project Funding
• Makes changes in the law governing transportation reinvestment zones (some of which are identical to those included in HB 563)
• Authorizes the department to enter into a limited number of comprehensive development agreements, although authorization for all but SH 99 (Grand Parkway) expires August 31, 2015 if the projects are not already underway by then
  ○ Before CDAs can be approved they must obtain (by August 31, 2013) all environmental clearances and present full financial plans for the project (including costing methodology and cost proposals)
  ○ The commission must receive a report before December 1, 2012 on the status of each project
  ○ Includes Grand Parkway; IH 35E; North Tarrant Express (three additional sections); SH 183 in Dallas County; SH 249 in Harris and Montgomery Counties; SH 288 in Brazoria County; US 290 Hempstead managed lanes in Harris County
  ○ Provides for extensions of the currently underway North Tarrant Expressway CDA
  ○ Provides requirements for CDA-engineering firm team relationships
• Authorizes RMAs to enter into CDAs in a similar manner, with the same deadlines
  ○ Includes Loop 1 (Mo-Pac); US 183 (Bergstrom Expressway); and the Outer Parkway Project from US 77/83 to FM 1847 and the South Padre Island Second Access Causeway Project.
  ○ Prohibits the department from providing any financial assistance to an RMA to pay for costs of procuring an agreement
• Authorizes up to three department Design-Build contracts in FY 2013 and FY 2014, which must be at least $50 million in construction value
  ○ Provides a methodology for the department to employ professional services related to overseeing the design-build contract (inspection, materials testing, other testing)
  ○ Provides detailed instructions on the selection process for DB projects
• Authorizes RMAs to issue up to two DB contracts in any fiscal year. No dollar amount and no time limit are included. Specifics for selection are included.

Transparency
• Throughout the legislation, there are numerous instances of requirements for information, data, documents, etc., to be posted on the department’s website.
• Establishes a new complaint procedure, with a requirement for electronic forms for the public to use, and requires monthly complaint reports to department leaders and district engineers and quarterly reports to the commission.
• A new project information reporting system is dictated and explicit direction provided on what it should include.
• An annual statewide transportation report is dictated, to provide information on progress of each long-term goal and the status of each project identified as a major priority, among other things. Distribution of this report is dictated, and includes local governments and legislative membership.

Miscellaneous
• Moves the Texas Highway Beautification Fund into the state highway fund from the general revenue fund, and requires that TxDOT to administer the outdoor signs program. Specifies details about the program, complaint process, records, etc.
• Requires the department, in cooperation with local governments, to actively manage a system of changeable message signs located on highways to mitigate traffic congestion (Section 53), including information on traffic incidents, weather conditions, road construction, and alternate routes. (No additional detail is provided.)
• Allows the TxDOT executive director set weight limits rather than the commission
• Allows the commission to set maximum width limits depending on an engineering and traffic study conducted by the department
• Makes some additional refinements in the transfer of activities of the department of motor vehicles, and allows the DMV to determine the form of payments for permits
• Grants the commission the ability to authorize of port authorities to issue oversize/overweight permits.