

Summary of Transportation Legislation

82nd Texas Legislature

HB 1 (Pitts) General Appropriations Bill.

This is the two-year budget bill that specifies revenues and appropriations for Fiscal Years 2012-2013.

Texas Department of Transportation (TxDOT)

Total funding for the Department of Transportation is approximately \$19.8 billion over the biennium. This represents an increase over the previous biennium. This bill does specifically appropriate approximately \$1.2 billion for projects funded from the SH 121 payment made to the Dallas-Fort Worth region.

New Requirements:

- TxDOT will be required to submit a detailed plan for the use of State Highway Funds and Proposition 12 funds to the Legislative Budget Board and the Governor prior to each fiscal year. The report must include how each construction project will enhance the economy, traffic safety and connectivity; an account of traffic reduced by each proposed project; and an analysis of pavement scores by district and how proposed maintenance spending will impact those scores.
- TxDOT must conduct a study to evaluate the damage caused to roads by oversized and overweight vehicles (including exempt vehicles). Based on the study, TxDOT must provide a recommended permit fee structure and any needed adjustments, including the highway maintenance fee, to the Governor and Legislative Budget Board by December 1, 2012.
- An additional \$3 billion of Proposition 12 bonds are authorized. The funds will be used for the following types of projects:
 - \$300 million will be used to acquire right-of-way, conduct feasibility studies and project planning, and outsource engineering work for the most congested roadway segments in the four most congested regions of the State. Funds will be allocated in the same manner as Category 2 funds are now distributed. Of this amount, \$3 million will be provided to the Texas Transportation Institute to serve as a facilitator to the regions to determine the projects that could have the largest impact, identify funding options to complete the projects, implement best traffic and demand management practices, ensure open public participation and make recommendations at decision points to TxDOT. TTI must report on preliminary findings to the Legislature and the Texas Transportation Commission by September 1, 2012.
 - \$500 million will be used for specific bridge projects. DFW bridge projects that will receive funding are IH 30 crossing the Trinity River; IH 35E crossing the Trinity River and Brazos Street; and IH 345 crossing IH 30, US 75 and DART, all in Dallas County.
 - \$600 million will be used for metropolitan and urban mobility projects. Funds will be allocated in the same manner as Category 2 funds are now distributed.
 - \$200 million will be used for statewide connectivity projects to be selected by the Commission.
 - \$1.4 billion will be used for rehabilitation and safety projects. Funds will be allocated in the same manner as Category 1 funds are now distributed.

- It is the Legislature's intent that funds appropriated to TxDOT will result in at least \$8.5 billion in new construction in 2012-2013.
- The Texas Transportation Institute will receive \$250,000 to conduct a study of methods to maximize toll revenues.
- TxDOT must make it a priority to use transportation development credits as the required match to maximize the utilization of federal funds.
- TxDOT is directed to make it a top priority to obtain federal funding for rail and other multimodal transportation planning and projects. Up to \$50 million can be allocated as a match to federal funds obtained.

Texas Commission on Environmental Quality

Total funding for the Commission on Environmental Quality is approximately \$675 million over the biennium. This represents a significant decrease in funding over the previous biennium.

Earmarks:

- Appropriates \$11.25 million for the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program over the biennium. This program is known as AirCheckTexas in the Dallas-Fort Worth region. This is an 87 percent reduction from the previous biennium.
- Appropriates \$1.25 million over the biennium for enhanced air quality programs including AirCheckTexas expansion, remote emissions sensing, and the Smoking Vehicle Program. This is an 87 percent reduction from the previous biennium.
- Appropriates \$114 million to the Texas Emissions Reduction Plan over the biennium. This is a 50 percent reduction from the previous biennium.

State Highway Fund Diversions

Diversions from the State Highway Fund have slightly decreased, but are still near \$1 billion over the biennium.

This bill will take effect on September 1, 2011.

HB 51 (Lucio III) Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.

This bill establishes high-performance sustainable-design standards for the construction of new state buildings and renovations for which the cost exceeded 50 percent of the value of the existing facility. It requires new state buildings or renovations on existing state buildings to meet the high-performance sustainable-design building standards set by the State Energy Conservation Office and to achieve a 15 percent reduction in water use. This bill will take effect on September 1, 2011.

HB 109 (Brown) Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

This bill permits municipal governments and county commissioner's courts to designate an official who could temporarily lower speed limits at accident reconstruction sites without first obtaining permission from the Texas Department of Transportation (TxDOT). A city could lower speed limits on any roadway, including portions of a state highway, to make these investigations. Counties would be limited to decreasing speed limits only on county roads and highways outside the city that are not part of the state highway system. The bill will take effect on September 1, 2011.

HB 242 (Craddick) Relating to the enforcement of public safety, including the privileges and duties of certain types of law enforcement officers.

This bill relates to certain privileges of law enforcement officers with the exception of one section which creates an offense for using "text-based communications" while operating a vehicle. The bill also defines "text-based communications" as a text message, an instant message or an e-mail and makes an exception if using wireless/hands-free devices. ***This bill was vetoed by the Governor.***

HB 362 (Solomons) Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

This bill prevents a property owners' association from enforcing a provision that would prohibit a homeowner from installing a solar energy device. It also voids any existing deed restriction against solar energy devices but a homeowner would still have to get approval from an association committee before installing a solar energy device. The committee would be prohibited from denying the request if the solar energy device met or exceeded the minimum standards listed in the property owners' association covenants. This bill takes effect immediately.

HB 367 (Orr) Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

This bill designates the portion of State Highway 121 from Interstate Highway 30 to US Highway 67 in Tarrant and Johnson Counties as the Chisholm Trail Parkway. This bill will take effect on September 1, 2011.

HB 378 (Guillen) Relating to stationary tow trucks on a highway.

This bill adds stationary tow trucks on a highway to the current move-over law and provides a penalty. Current law addresses passing an emergency vehicle on a highway, but does not address the passing of a stationary tow truck. The bill requires a driver to vacate the lane closest to a tow truck or emergency vehicle when driving on a highway with two or more lanes traveling in the direction of the tow truck or emergency vehicle. A driver may also slow to a speed not to exceed 20 miles per hour less than the posted speed limit; or five miles per hour when the posted speed limit is less than 25 miles per hour. This bill will take effect on September 1, 2011.

HB 423 (Guillen) Relating to the powers of rural and urban transit districts.

This bill authorizes the governing body of a rural or urban transit district by resolution to adopt rules for the safe and efficient operation and maintenance of the transit district's transportation system. This bill takes effect immediately.

HB 447 (Guillen) Relating to the powers of a defense base development authority.

This bill permits a defense base development authority to charge for the use, lease or sale of an open space and for services including professional consultation or real estate development, support or participation in acquisition of venture capital and any other services provided by the authority that are related to a project. The bill also authorizes a defense base development authority to implement a transportation project on the base property or outside the base property to provide access to the base and to enter into an agreement to plan, finance, construct or maintain the project.

HB 563 (Pickett) Relating to the purposes and designation of a transportation reinvestment zone.

This bill makes changes to state law to reflect the expanded range of transportation projects eligible for reinvestment zones. The bill allows a municipality or county to establish a transportation reinvestment zone for any transportation project, including a highway improvement, passenger or freight rail facility, ferry, airport, pedestrian or bicycle facility, intermodal hub or transit system. It would also apply to previously designated transportation reinvestment zones. This bill will take effect on September 1, 2011.

HB 630 (Pickett) Relating to the authority of TxDOT, counties and regional tollway authorities to enter into funding agreements to expedite environmental review duties related to certain projects.

This bill allows TxDOT, a county, a regional tollway authority or a regional mobility authority to enter into an agreement to provide funds to a state or federal agency to expedite an environmental review for a transportation project. The agreement requires the recipient of the funds to complete the review in less time than normal. Eligible projects include those a metropolitan planning organization designated in its long-range transportation plan. This bill will take effect on September 1, 2011.

HB 885 (Rodriguez) Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

This bill allows for the uniform installation of pedestrian crossing lights and freeway entrance control signals by changing current law that requires motorists to stop at any dark traffic signal display as if it were a stop sign. The bill facilitates the use of pedestrian hybrid beacons, which are similar to traffic light and flash yellow, turn red so pedestrians can safely cross, and then dims allowing traffic to continue as normal. This bill takes effect immediately.

HB 1112 (Phillips) Relating to the authority and powers of regional mobility authorities.

This bill modifies many provisions governing RMAs including definitions of key terms, assessment and collection of toll fees, operation of RMA boards and intergovernmental agreements.

- Defines “surplus revenue” to include revenue that exceeded an RMA’s payment obligation under a contract or agreement for constructing, maintaining, and operating a transportation project.
 - Defines “transportation project” a parking area, parking structure, parking fee collection device or improvement in a transportation reinvestment zone.
 - Amends the definition of “construction costs” to include an RMA’s payment obligations under a contract to construct, maintain, operate or finance a transportation project.
 - Allows RMAs the same toll collection and enforcement powers for their projects as current law grants to TxDOT, regional tollway authorities and other tolling entities.
 - Allows RMAs to pay debt service on bonds with proceeds from the sale of other bonds. An RMA could use existing revolving funds to issue bonds and the bill adds language stating that an RMA could pledge all or part of its revenues and other funds available to paying obligations for transportation projects.
 - Authorizes the board of an RMA to borrow money from or sign a loan agreement with TxDOT, the Texas Transportation Commission or any other public or private entity.
 - Allows the Commissioners Court of a county that is subsequently added to an RMA to appoint more than one director to an RMA board, provided that the Commissioners Courts of the other counties in the RMA agreed unanimously to the appointments.
- This bill takes effect immediately.

HB 1201 (Kolkhorst) Relating to the repeal of authority for the establishment and operation of the Trans-Texas Corridor.

This bill strikes all references to the Trans-Texas Corridor from state statutes and would repeal the chapter that provides its statutory authorization. The bill also allows the Texas Transportation Commission to establish speed limits up to 85 miles per hour on a part of the state highway system that was designed to accommodate travel at that speed if, after an engineering and traffic investigation, the commission determined that the speed limit was reasonable and safe. The commission could also authorize oversize/overweight vehicles on an exclusive lane on roads, except the interstate highway system, following an engineering and traffic study. This bill takes effect immediately.

HB 1274 (Pena) Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

This bill amends current law relating to an exemption from the payment of a toll for unmarked military vehicles training for or conducting emergency operations. The definition of a military vehicle that is exempt from paying tolls was expanded to include an unmarked military vehicle operated by military personnel participating in training or conducting an emergency preparedness operation, response operation or recovery operation. It does not include a vehicle operated for personal use. This bill takes effect immediately.

HB 1449 (Guillen) Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

This bill allows the Parks and Wildlife Commission to grant, lease or renew permanent or temporary right-of-way easements on Texas Parks and Wildlife (TPWD) land for certain uses, including public highways, electrical lines and pipelines, electrical substations and the provision of utilities for the operation of TPWD facilities. This bill takes effect immediately.

HB 1643 (Zerwas) Relating to development agreements governing land in a municipality's extraterritorial jurisdiction.

This bill changes the maximum term of a development agreement between landowners and cities for the development of property within a city's extraterritorial jurisdiction. Under existing law, the initial term of a development agreement may be up to 15 years, subject to subsequent renewals, not to exceed 45 years. This bill clarifies that a municipality and landowner may agree to any term not to exceed 45 years. This bill takes effect immediately.

HB 1899 (Pickett) Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

This bill removes the requirement for the posting of signs at the entrance of each school crossing zone prohibiting the use of wireless communication devices while operating a vehicle within school zones in communities that have adopted the ban within their jurisdiction. When there is a city-wide ban on wireless communication devices, this bill makes it unnecessary for additional signs to be posted at school crossing zones. This bill will take effect on September 1, 2011.

HB 1906 (Howard, D.) Relating to the idling of motor vehicles.

This bill establishes a penalty for heavy-duty vehicle idling violations in unincorporated areas. The bill would create a Class C misdemeanor offense for violating a rule adopted by the Texas Commission on Environmental Quality (TCEQ) relating to a locally enforced motor vehicle idling limitation. A Class C misdemeanor is punishable by a fine of not more than \$500. This bill will take effect on September 1, 2011.

HB 1981 (Smith, W.) Relating to measuring, monitoring and reporting emissions.

This bill modifies the TCEQ's current Air Pollutant Watch List (APWL) process. The APWL would be required to identify each air contaminant to be included on the list and each geographic area of the state where ambient air monitoring indicates either individual or cumulative emissions may cause short-term or long-term health effects or odors. The bill also includes requirements for publishing notice and allowing public comment on the addition or removal of a contaminant or area. This bill will take effect on September 1, 2011.

HB 2160 (Coleman) Relating to the governing body of a regional planning commission.

This bill requires the governing body of a regional planning commission that is consistent with the geographic boundaries of a state planning region, to offer an ex-officio, nonvoting membership on the governing body to a member of the legislature who represents a district located wholly or partly in the region of the commission. This bill takes effect immediately.

HB 2223 (Davis, Y.) Relating to the contracts of certain regional transportation authorities that are required to be competitively bid.

This bill increases the threshold amount relating to the contracts of certain regional transportation authorities (DART and The T) that are required to be competitively bid. Currently DART and The T have the authority to negotiate a contract without competitive sealed bids or proposals if the amount of the contract is \$25,000 or less. This bill amends the Transportation Code by increasing the amount from \$25,000 to \$50,000. This bill will take effect on September 1, 2011.

HB 2327 (McClendon) Relating to the establishment and operation of a motor-bus only lane pilot program in certain counties.

This bill creates a pilot program that requires TxDOT, in consultation with the Department of Public Safety, certain mass transit authorities and the affected municipalities in Bexar, Denton, El Paso and Travis Counties, to establish and operate a motor-bus-only lane for highways that are part of the state highway system and have shoulders of sufficient width and structural integrity. The pilot program allows motor buses to use highway shoulders to bypass congested highway lanes when the speed of the vehicles being operated on the highway lanes is 35 miles per hour (mph) or less. In order to ensure safety of all motorists, the pilot program would also limit the maximum speed of a vehicle being operated on the motor-bus-only lane to the lower of 15 mph greater than the prevailing traffic or 35 mph. ***This bill was vetoed by the Governor.***

HB 2357 (Pickett) Relating to motor vehicles.

This bill revises and reorganizes chapters in the Transportation Code that govern the Texas Department of Motor Vehicles (TxDMV) and its functions. Other chapters revised include Chapter 501 - Certificate of Title Act, 502 - Registration of Motor Vehicles, 504 - Specialty License Plates and 520 - miscellaneous provisions regarding titles and registration.

The bill also allows the department to adopt rules for a number of processes including:

- Requiring an applicant for a title present identification and provide current personal information, which could be entered into the electronic title system.
- Allowing the waiving fees for a title applicant who proves that he or she paid fees to a dealer that went out of business.
- Changing the period before which a person could not receive a replacement set of personalized license plates without an additional fee.
- Notifying a salvage vehicle dealer if a vehicle was not issued a printed title but had a record in the department's system.
- Designating items of evidence sufficient to establish good reason for the delinquent registration of a motor vehicle.
- Identifying the correct placement of license plates for a motor vehicle, road tractor, motorcycle, trailer and semitrailer.

Vehicle Title

- Allows TxDMV to implement an electronic vehicle titling system. The department would be able to receive, archive and transmit electronic documents, provide for access and search functions and convert paper documents and other information into an electronic format.
- The bill would allow TxDMV to rescind, cancel or revoke a vehicle title application upon presentation of a signed affidavit from the dealer, title applicant and any lien holder.
- Allows an applicant for a title to retain plates that were being transferred to another vehicle. A person could apply for a title in an adjoining county if his or her county of residence was declared a disaster area for an extended duration.
- Requires an insurance company that paid a claim on a non-repairable or salvage vehicle to apply for an appropriate title or notify the owner of applicable restrictions. TxDMV could establish a fee to administer bonds it held to secure a vehicle's title under certain circumstances.
- Allows county assessor-collectors to license motor vehicle dealers to title and register vehicles in accord with existing requirements. County assessor-collectors could pay a fee to the dealer as a proportion of the fees the county normally collected.

Registration Fees

- Reduces to one year from five years the period in which an owner could apply for a refund for any overpaid registration fees.
- TxDMV would have to post a complete schedule of registration fees and departmental forms on the Internet.

License Plates

- Broadens current statutes on specialty license plates to refer to all license plates.
- Affirms TxDMV's responsibility to prepare the designs and specifications of license plates and to issue personalized plates. If a private license plate vendor operating under contract went out of business, the department could temporarily operate the program and the vendor's share of revenue would go to the General Revenue Fund.

Other provisions

- Allows TxDMV to accept payments via electronic funds transfer and credit/debit cards to title and registration fees. Also allows for the department to collect a processing fee. All fees collected for electronic payment would be deposited into the State Highway fund.
- TxDMV, in consultation with the Texas Department of Public Safety, would have to conduct a study on consolidating data collected by each agency. The study would have to be completed by September 1, 2012, and would have to include recommendations on protecting the privacy and security of information collected.
This bill will take effect January 1, 2012.

HB 2694 (Smith, W.) Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

This bill continues the TCEQ until September 1, 2023. The On-site Wastewater Treatment Research Council would be abolished and its authority and duties transferred to TCEQ. The bill also transfers the authority for making groundwater protection recommendations regarding oil and gas activities from TCEQ to the Railroad Commission.

The bill would make adjustments to the operations of the TCEQ by:

- Adding standard rulemaking and alternative dispute resolution.
- Requiring a member of the commission to resign from appointed office before accepting a campaign contribution for elected office.
- Establishing a program to provide assistance and education to the public.
- Amending current standards in evaluating compliance history.
- Requiring adoption of a general enforcement policy.

Transfer of Authority

- Transfers groundwater protections regarding oil and gas activities to the Railroad Commission.
- Abolishes the On-site Wastewater Treatment Research Council and transfer its authority to award grants, the administration of all existing grants, and other associated activities and contracts to TCEQ.

Dam Safety

- Requires TCEQ to focus its efforts on the most hazardous dams in the state when implementing its dam safety regulations.

Petroleum Storage Tanks

- Increases TCEQ's authority in regulating petroleum storage tanks.
- Allows TCEQ to award direct contracts for petroleum storage tank remediation projects if a person was performing work at the sight before July 1, 2011.
- Prohibits the delivery of any regulated substance into an underground storage tank unless the tank had been issued a valid, current registration and certificate of compliance. TCEQ could impose a penalty for violations and would be required to adopt enforcement rules.
- TCEQ would be authorized to undertake corrective action to remove a storage tank that was not in compliance, was out of service, presented a contamination risk, and was owned or operated by a person who was financially unable to remove the tank.
- Reauthorizes the fee on the delivery of certain petroleum products and would change the current fee levels to caps.

Water Rights/Use

- Defines instances when TCEQ could curtail water rights.
- Requires a water rights holder to maintain monthly water-use information. TCEQ would be allowed to access the information on request, but only during a drought or other emergency shortage of water.
- During a period of drought or other emergency shortage of water, TCEQ could temporarily suspend the right of any person who held water rights and adjust the allocation between water rights holders.
- Requires that water rates cases be available electronically to rate payers.
- Adjusts the water utility regulatory assessment fee for all utilities.

Radioactive Waste Disposal

- Revises the Texas Low-Level Radioactive Waste Disposal Compact Commission's funding mechanism by creating a general revenue account.
- TCEQ would deposit into the account the portion of the compact waste disposal fee that was calculated to support the activities of the compact commission. Money in the account could be appropriated only to support the operations of the compact commission.

Penalties

- Increases the administrative penalties for violations under the jurisdiction of TCEQ that had a cap of \$10,000 a day for each violation to between \$50 and \$25,000 a day for each violation.
- Increases the occupational licensing, plumbing fixtures and used oil-related penalties from a cap of \$2,500 a day for each violation to between \$50 and \$5,000 a day for each violation.
- Water rates violations would increase from a cap of \$500 a day to a range of \$100 to \$5,000 a day.

Applications of Electric Generating Facilities

The bill also includes a section relating to permit applications of certain electric generating facilities, per the Clean Air Act. Section 4.27 relates to a permit amendment application submitted solely to allow an electric generating facility to reduce emissions and comply with a requirement imposed by the Federal Clean Air Act to use applicable maximum achievable control technology.

- The commission shall provide an opportunity for a public hearing and the submission of public comment on the application.
- Not later than the 45th day after the date the application is received, the executive director shall issue a draft permit.
- Not later than the 30th day after the date of issuance of the draft permit, parties may submit to the commission issues regarding whether the choice of technology approved in the draft permit is the maximum achievable control technology required under the federal Clean Air Act and may request a contested case hearing before the commission.

- If a party requests a contested case hearing under this subsection, the commission shall conduct a contested case hearing and issue a final order issuing or denying the permit amendment not later than the 120th day after the date of issuance of the draft permit.
 - The commission shall send notice of a decision on an application for a permit.
 - A person affected by a decision of the commission to issue or deny a permit may move for rehearing and is entitled to judicial review.
- This bill will take effect on September 1, 2011.

HB 2972 (Smith, T.) Relating to the municipal sales and use tax for street maintenance.

The bill allows certain municipalities, which have held at least two consecutive elections that were approved by at least 66 percent of voters authorizing a local sales and use tax for repair and maintenance of streets, to hold a subsequent election to renew the tax for eight years. Under current law, the tax expires if not re-authorized by the voters once every four years. The bill would also authorize municipalities to expand the use of revenue from the tax to repair and maintain municipal sidewalks. ***This bill was vetoed by the Governor.***

HB 3030 (McClendon) Relating to funding of projects in the boundaries of an intermunicipal commuter rail district.

This bill permits an intermunicipal commuter rail district to contract with local governments to create an agreement to finance a rail project. It authorizes the inter-municipal commuter rail district to establish a tax increment fund. An agreement could establish one or more transportation zones within the territory of one or more local governments. A district could acquire property rights for underdeveloped land for the purpose of a rail project. This bill will take effect on September 1, 2011.

HB 3272 (McClendon) Relating to the Low-Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program.

This bill makes changes to the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP).

- Adds the definitions of an electric vehicle and natural gas vehicle and amends the definition of a hybrid vehicle for purposes relating to LIRAP.
 - Changes the length of time that a vehicle must be registered in a LIRAP county to be eligible for the program from 12 months to at least 12 of the 15 months preceding the application for participation in the program.
 - Expands the replacement assistance that was reserved for hybrid vehicles to include hybrid, electric, natural gas and federal Tier 2, Bin 3 or cleaner vehicles for the current model year or the previous three model years.
 - Limits a replacement vehicle under the program to an odometer reading of not more than 70,000 miles.
 - Raises the total cost of a replacement vehicle allowed to not more than \$35,000 for certain vehicles and \$45,000 for hybrid, electric and natural gas vehicles, versus \$25,000 for all vehicles under current law.
 - Requires the TCEQ to establish a partnership with representatives from the steel industry, automobile dismantlers and scrap metal recycling industry to ensure that vehicles retired under the LIRAP are scrapped or recycled.
- This bill will take effect on September 1, 2011.

HB 3309 (Rodriguez) Relating to the authority to set maximum weights for state highways, roads, and bridges.

The bill would authorize the Executive Director of TxDOT, rather than the Texas Transportation Commission as authorized under current law, to set maximum weights for state highways, roads and bridges. This bill takes effect immediately.

HB 3399 (Legler) Relating to the requirements for certain grant programs funded through the Texas Emissions Reduction Plan.

The bill would prescribe criteria for the TCEQ on various procedures relating to the Texas Emissions Reduction Plan (TERP) program. It includes specific guidelines for the implementation of the Texas Clean Fleet Program within TERP including the reduction of the number of vehicles an entity must operate to participate in the program from 100 to 75. This bill also requires TCEQ to provide a grant application form for the Diesel Emissions Reduction Incentive Program of TERP to minimize the amount of paperwork required for a TERP application. This bill would take effect on September 1, 2011.

HB 3771 (Harper-Brown) Relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail.

The bill authorizes TxDOT, upon application by a railroad company, to adopt safety standards for high-speed passenger rail rolling stock and systems that operate at speeds in excess of 185 miles per hour for that railroad. A railroad company would not need to seek approval of safety standards from TxDOT if the railroad is operating under standards approved by the Federal Rail Administration. The bill would require TxDOT to impose a fee on a railroad company that submits an application to cover all costs to administer the provisions of the bill. This bill will take effect on September 1, 2011.

HJR 63 (Pickett) Amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped or blighted area.

This bill proposes a constitutional amendment to allow counties (current law allows cities) to issue bonds to finance the development or redevelopment of an unproductive, underdeveloped or blighted area. The proposal would be presented to the voters at an election on Tuesday, November 8, 2011. The ballot proposal would read: "The constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped or blighted area and to pledge for repayment of the bonds in ad valorem taxes imposed by the county on property in the area."

SB 18 (Estes) Relating to the use of eminent domain authority.

This bill modifies the processes and requirements governing eminent domain, including decisions on damages awards, the rights of property owners to repurchase taken property, the requirement of an offer to purchase property and landowners' right to access information from an entity taking their property.

Eminent Domain Process

- Adds a prohibition against a government or private entity taking land that was not for a public use.
- Requires a governmental entity to approve the use of eminent domain at a public meeting by a record vote.
- Establishes procedures for voting on specific properties and groups of properties.
- The bill would expand disclosure requirements to include all entities with the power of eminent domain instead of only governments.
- An entity could not include a confidentiality provision in an offer or agreement to take property.

Right of Repurchase

- Adds new repurchasing rules.
- An owner of property taken through eminent domain could repurchase the property from any entity at the original price paid to the owner if the public use for which the property was taken was canceled before the property was used for that purpose or no actual progress was made.
- Defines actual progress.
- Requires an entity with eminent domain authority to make a bona fide offer to acquire property from an owner voluntarily.
- Defines bona fide offer.
- Establishes procedures for providing notice to property owners informing them of their right to repurchase and allowing former owners to request a determination of whether they were entitled to repurchase the property if sufficient progress were not made at least 10 years after a taking.

Assessments and Damages

- Assesses damages to a property owner from a condemnation.
- Requires governmental entities to pay relocation expenses for displaced property owners and provide a relocation advisory service.
- Requires commissioners to take into account a material impairment of direct access on or off the remaining property that affected the market value of the remaining property, but they could not consider circuitry of travel and diversion of traffic that were common to many properties.
- Determinations of fair value of the state's interest in access rights to a highway right-of-way would be the same as standards used by the Texas Transportation Commission in acquiring access rights under provisions governing acquisition of property and payment of damages related to access.

Related to Roadways/Pipelines

- Prohibits a municipal utility district from taking property for a site or easement for a road outside of its boundaries.
- A property owner whose property was taken for an easement for a gas or oil pipeline could construct a road at any location above the easement. The road would have to be perpendicular to the easement, and it could not be more than 40 feet wide or interfere with the operation and maintenance of a pipeline.

- An entity wishing to condemn a property for a pipeline would have to provide notice to the relevant county commissioner's court before beginning negotiations with the property owner.

General Provisions

- Prohibits a charitable corporation from exercising the power of eminent domain to take single-family residential properties and multi-family residential properties with fewer than nine units.
 - Entities that were created or that acquired the power of eminent domain before December 31, 2012, would have to submit a letter to the comptroller acknowledging that the entity was authorized by the state to exercise the power of eminent domain and identifying the legal source for that authority. An entity that did not submit a letter by September 1, 2013, would have its authority to exercise eminent domain suspended until it submitted the letter.
- The bill would take effect September 1, 2011.

SB 19 (Nichols) Relating to the development, financing, construction and operation of toll projects.

This bill is primarily related to establishing a new process to determine which entity will develop toll projects, but it also covers other topics.

Primacy Determination Process

The bill defines a local toll project entity is defined as a Regional Tollway Authority (North Texas Tollway Authority), Regional Mobility Authority, or a County Toll Road Authority (Collin and Dallas Counties).

This bill does not apply to the Dallas North Tollway or North Tarrant Express.

The bill provides that a toll project developed under the new primacy process is owned in perpetuity by the entity that develops the project.

Before initiating the primacy process, TxDOT and a local toll project entity may enter into an agreement that identifies the responsibility of each entity for project-related activities, including environmental work and traffic/revenue studies. The agreement can also allow the primacy process to begin earlier than normally provided for in the bill. In addition, the agreement may provide for an alternate process for toll project development.

By exercising primacy over any phase of a toll project, an entity exercises primacy over the entire project.

The following process is laid out in the bill to determine the entity that will develop a toll project:

- A local toll project entity may notify TxDOT in writing of the entity's intent to initiate the primacy process any time after the toll project is included in an MPO's Transportation Improvement Program. Alternately, TxDOT may notify a local toll project entity in writing of its intent to initiate the primacy process when the project is included in the Transportation Improvement Program (TIP) and the environmental process is complete.

- The local toll project entity has the first option to develop, finance, construct and operate a toll road. The entity must exercise this option by the later of:
 - 180 days after notice has been given by the entity or TxDOT to initiate the primacy process or
 - 120 days after a record of decision has been issued on the Environmental Impact Statement.
 - The option period can be extended by 90 days with agreement from the local toll project entity and TxDOT.
- If the local toll project entity exercises its option to develop the toll project, it must, following the later of either its exercise of the option or the project receiving environmental clearance:
 - Within 180 days, advertise the initial procurement for at least design services
 - Within 2 years, enter into the construction contract.
- If the local toll project entity declines to exercise the first option or if it fails to meet the requirements just above, TxDOT has the option to develop, finance, construct and operate the toll project. TxDOT has 60 days to exercise its option.
- If TxDOT exercises its option to develop the toll project, it must, following the later of either its exercise of the option or the project receiving environmental clearance:
 - Within 180 days, advertise the initial procurement for at least design services
 - Within 2 years, enter into the construction contract.
- If the process ends with neither TxDOT nor the local toll project entity entering into a construction contract, either entity can reinstate the process.

At any time before or during the primacy process, TxDOT or the local toll project entity can waive any option or step of the process. In addition, TxDOT and the local toll project entity can agree to alter any step or time limit.

When a toll project is in the territory of more than one local toll project entity, only the first local entity to construct projects can exercise the option provided for in the bill.

The previous “market valuation” process is repealed.

Regional Toll Revenues

Under previous law, a concession payment would return to the region from which it was generated but surplus toll revenue would return to the TxDOT district from which it was generated. This bill will now treat both types of payments the same. Surplus toll revenue will now return to the region from which it was generated.

Comprehensive Development Agreements

Any determination of value under a comprehensive development agreement or other public-private partnership involving a toll project must now take into consideration any factors a local toll project entity determines appropriate, including:

- oversight of the toll project,
- maintenance and operation costs,
- toll structure and rates,
- economic development impacts, and
- social and environmental benefits and impacts.

This bill takes effect immediately.

SB 20 (Williams) Relating to a grant program for certain natural gas vehicles.

This bill establishes two new programs under the Texas Emissions Reduction Plan (TERP), the natural gas vehicle rebate program and a program to fund natural gas fueling stations. Of the money allocated to the Emissions Reduction Incentive Program, at least 16 percent would have to be allocated to the natural gas vehicle rebate program and no more than four percent could be allocated to the refueling station program.

- Texas Natural Gas Vehicle Grant Program
 - TCEQ would be required to establish and administer the Texas natural gas vehicle grant program to encourage an entity with a heavy-duty motor vehicle to repower the vehicle with a natural gas engine or replace the vehicle with a natural gas vehicle. Under the program, TCEQ would be required to provide grants for eligible heavy-duty motor vehicles to offset the incremental cost of repowering or replacing the heavy-duty motor vehicle.
- Fueling station grant program
 - Under the bill, TCEQ would be required to award grants to support the development of a Clean Transportation Triangle, or a network of natural gas vehicle fueling stations along the interstate highways connecting Houston, San Antonio, Dallas and Fort Worth.

This bill will take effect September 1, 2011.

SB 197 (West) Relating to the compulsory inspection of motor vehicles; providing penalties.

This bill permits TCEQ to impose an administrative penalty for certain violations related to motor vehicle inspections and creates civil penalties for certain violations committed by inspection stations and inspectors. The bill also includes the following:

- Requires applications for certification as a motor vehicle inspection station in certain counties to include a surety bond of \$5,000.
- Increases certain fees associated with applications for certification as a motor vehicle inspector or inspection station.
- Creates the offense of fraudulent emissions inspection of motor vehicle.
- Increases the fee for certification as an inspector from \$10 to \$25.
- Increases the fee for certification as an inspection station from \$30 to \$100.
- Increases certain fees for certification as an inspection station if the inspection station had previously been convicted of certain violations.

The bill will take effect September 1, 2011.

SB 246 (Shapiro) Relating to financial security required of regional tollway authorities in connection with the provision of toll collection services.

This bill prohibits the North Texas Tollway Authority from providing financial security for the performance of tolling services if NTTA determines doing so would restrict the amount or

increase the cost of future bond issues or if NTTA is not reimbursed for the cost of providing the security.

NTTA must enter into a written agreement setting out the terms and conditions of tolling services and its compensation before providing such services.

The bill clearly states that toll revenues are property of the entity entitled to receive them, regardless of which entity collects the revenues.

NTTA may agree in a tolling services agreement that its right and obligation to provide tolling services is subject to termination by default and that if this happens, this bill will not apply to that project.

Any public or private entity, including the NTTA or TxDOT, can fund a cash collateral account that may be withdrawn as set out in a tolling services agreement due to NTTA's failure to make any payment required by the tolling services agreement.

This bill takes effect immediately.

SB 364 (Ogden) Relating to statistical information on the prosecution of certain offenses relating to the operation of a motor vehicle while intoxicated.

This bill requires law enforcement agencies, prosecutors and courts to submit information to DPS and requires the DPS to compile a yearly report on the number of arrests and prosecutions related to driving while intoxicated. The DWI arrest and conviction report would have to cover the preceding calendar year and list the law enforcement agencies, prosecutors, and courts that failed to make timely reports or submitted incomplete information. This bill will take effect on September 1, 2011.

SB 385 (Williams) Relating to the creation of an alternative fuel program to be funded by the Texas Emissions Reduction Plan.

The bill establishes three new grant programs under TERP: the natural gas vehicle rebate program, a program to fund natural gas fueling stations and an alternative fueling facilities program.

- Alternative Fuels Facilities Program
 - Under this new chapter, the TCEQ would establish and administer a program to provide grants for fueling facilities for alternative fuel in nonattainment areas. Entities that construct, reconstruct, or acquire an alternative fueling facility would be eligible to participate in the grant program.

- Texas Natural Gas Vehicle Grant Program
 - Under this new chapter, the TCEQ would be directed to establish two new grant programs for funding the purchase or lease of natural gas vehicles or engines and the establishment of natural gas refueling stations along the interstate highways between Houston, San Antonio, Dallas, and Fort Worth.

This bill will take effect on September 1, 2011.

SB 469 (Nelson) Relating to the collection of unpaid tolls by a regional tollway authority.

This bill amends current law related to the collection of unpaid tolls and allows a regional tollway authority to use video recordings, photography, electronic data, transponders or other tolling methods to permit the owner of a nonpaying vehicle to pay the toll at a later date.

An invoice must be sent by first class mail to the registered owner of the vehicle and must specify the date by which the toll must be paid. The vehicle owner must pay the unpaid tolls no later than the 30th day after the date the invoice is mailed to the correct address. If the bill is not paid, the authority must send a notice of nonpayment by first class mail to the registered owner. A total of three notices are required rather than the current rule of a single notice.

The bill also authorizes the authority to charge only one admin fee of \$25 rather than \$100 for each notice of nonpayment in the second notice, not to exceed \$200. Finally, the bill requires the third notice to include the amount in the second notice of nonpayment plus any third-party collection service fees incurred by the authority.

This bill will take effect on September 1, 2011.

SB 493 (Fraser) Relating to the idling of motor vehicles.

This bill allows "clean idle" engines to idle as an exception to the rules relating to the idling of motor vehicles.

Specifically, it allows the idling of any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas engine that has been certified by the United States Environmental Protection Agency or another state environmental agency. It must not emit more than 30 grams of nitrogen oxides emissions per hour when idling. It also increases the maximum weight by 400 lbs for vehicles with the idle reduction systems.

This bill takes effect immediately.

SB 527 (Fraser) Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas Emissions Reduction Plan.

This bill requires certain uses of the TERP monies allocated to the diesel emissions reduction incentive program to be used for specific items. Five percent of the monies would be used for the clean fleet program.

Not less than \$3 million or more than \$7 million in 2012 and 2013 and not less than \$1 million or more than \$3 million in subsequent years shall be used to fund the implementation and oversight of a regional air monitoring program in TCEQ Regions 3 and 4 implemented through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions and private sector interests across the area.

This bill will take effect on September 1, 2011.

SB 548 (Nichols) Relating to TXDOT's environmental review process

This bill authorizes TxDOT, a county, regional tollway authority or a regional mobility authority to enter into an agreement to provide funds to a state or federal agency to expedite the agency's performance of its duties related to the environmental review process for TxDOT transportation

projects. It also directs TxDOT to establish a process to certify district environmental specialists. This bill will take effect on September 1, 2011.

SB 627 (Davis) Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.

This bill authorizes counties that enter into an agreement with a municipality to pay into a reinvestment zone's tax increment fund if the ad valorem tax rate is approved by the county commissioners and excludes hospital districts from the county's tax increment authority. This bill takes effect immediately.

SB 731 (Nichols) Relating to the payment of an examination fee to the attorney general for the legal sufficiency review of a comprehensive development agreement.

This bill requires a toll project entity to pay a nonrefundable examination fee to the attorney general established by the attorney general for the legal sufficiency review of a comprehensive development agreement and authorizes the toll project entity to require reimbursement of the fee amount from the private developer of the project. This bill takes effect immediately.

SB 888 (Carona) Relating to the authority of a regional transportation authority to create a local government corporation.

This bill amends the Transportation Code, to redefine "local government" to include, a navigation district, hospital district or hospital authority or a regional transportation authority. This would permit DART and the T to create a local government corporation (LGC) as a tool to enable non-member cities to pay for and receive certain transit services; the LGC can also utilize Public-Private Partnerships to develop projects. This bill takes effect immediately.

SB 959 (Wentworth) Relating to toll collection and enforcement.

This bill would amend the Transportation Code to authorize TxDOT to use alternative tolling methods, such as video tolling, to permit the registered owner of a vehicle to pay a toll at a date later than the time the vehicle is driven or towed through a toll collection facility. This includes TxDOT using automated enforcement technology to identify the registered owner of the vehicle for purposes of billing, collection, and enforcement activities.

The bill also establishes billing notification requirements, makes changes to administrative fees and balance refund procedures.

It also allows TxDOT to enter into an agreement with a governmental or private entity for the use of TxDOT-issued transponders and corresponding customer accounts to pay for parking services offered by the entity.

This bill takes effect immediately.

SB 990 (Carona) Relating to regulation of high occupancy vehicle lanes operated, managed or maintained by a regional transportation authority.

This bill gives regional transportation authorities the authority to impose administrative fines for HOV lane violations.

It would require the driver to pay the administrative fine within 30 days of receiving a citation. The administrative fine process would be managed by the transportation authority and, therefore, the funds collected from administrative fines would be collected by the transportation authority and be used to offset the costs associated with enforcement of HOV lane traffic violations.

If the driver fails to pay the administrative fine within the required 30 days, the driver would be charged with the Class C misdemeanor offense, which would be prosecuted in the justice of the peace courts.

This bill will take effect on September 1, 2011.

SB 1100 (Shapiro) Relating to the designation of the Irving Diamond Interchange.

This bill would designate the Irving interchange of State Highways 114 and 183 and Loop 12/Interstate Highway 35E, Spur 482 and Trinity Parkway and the Orange Line of the Dallas Area Rapid Transit Authority as the Irving Diamond Interchange. TxDOT is required to design and construct markers indicating the interchange number, the designation as the Irving Diamond Interchange and to erect a marker at one or more sites on the interchange. This bill will take effect on September 1, 2011.

SB 1420 (Hinojosa) Relating to the continuation and functions of the Texas Department of Transportation.

This omnibus transportation bill reauthorizes the Texas Department of Transportation to continue as a State agency through September 1, 2015. The bill addresses various administrative changes to TxDOT procedures as well as other transportation topics, as detailed below.

Texas Transportation Commission

The Texas Transportation Commission (TTC) will remain a five-member, appointed body overseeing TxDOT. The bill slightly clarifies that the one member representing a rural area must come from a county with a population less than 150,000, but this change will not impact current TTC members. Members of the TTC may not accept any campaign contributions while serving on the Commission.

Texas Department of Transportation Administration

Two new requirements are placed on the TxDOT Chief Financial Officer. First, the CFO must ensure that TxDOT financial activities are transparent and reliable. In addition, the CFO must certify each month that lettings won't create a cash flow problem.

The TxDOT Legislative Appropriations Request (LAR) must be presented in an open meeting at least 30 days before it is submitted. In addition, the LAR must be adopted in a public meeting.

Whenever TxDOT undergoes Sunset review, the agency must submit a financial audit performed by an independent Certified Public Accountant.

Lobbying is specifically prohibited and any violation is grounds for dismissal of an employee. TxDOT employees and members of the TTC may still respond to requests and seek federal appropriations or programs.

All TxDOT employees must annually affirm adherence to the department's ethics policy. TxDOT must establish and operate an ethics hotline. The Texas Transportation Commission must establish a compliance office to report directly to the TTC, which will be responsible for:

- preventing and detecting waste, fraud, abuse, breaches of policy and criminal conduct,
- reviewing and investigating such activity,
- overseeing the ethics hotline, and
- ensuring ethics training for the Commission and TxDOT employees.

A report on the effectiveness of the compliance program must be submitted to the Legislature, along with any recommendations for improvement of the program, by January 1, 2013.

A person who acts as general counsel to TxDOT must be a licensed attorney in the State of Texas.

The bill defines a new term, "local transportation entity," to mean a Regional Tollway Authority (NTTA), a Rapid Transportation Authority, a Regional Transportation Agency (DART, The T), a Rural Transit District, a Coordinated County Transportation Authority (DCTA) or a Metropolitan Planning Organization (NCTCOG).

TxDOT must work with local governments to actively manage a system of changeable message signs to mitigate traffic and to provide current traffic information to the traveling public.

Transportation Planning and Programming

The requirement for TxDOT to develop a statewide transportation plan now specifically states that the plan must cover a period of 24 years and be updated at least every four years. The plan will also be required to:

- contain specific, long-term goals,
- identify priorities of particular concern in meeting the goals, and
- contain a participation plan for getting input on goals and priorities from
 - other State agencies,
 - local governments,
 - local transportation entities, and
 - the public.

TxDOT will be required to consider the plan's goals and targets when selecting transportation projects. In addition, TxDOT must submit an annual report to the Legislature on progress towards meeting the goals and post the report online. All TxDOT plans and policy efforts must reference the state transportation plan and specify how the plan/policy relates to the overall plan's goals.

TxDOT will coordinate with MPOs to develop assumptions of long-term federal and State funding forecasts to be used for transportation plans.

TxDOT is required to develop a Unified Transportation Program (UTP) covering a 10-year period to guide the development and authorize construction of transportation projects. The UTP must annually identify target funding levels and list all projects TxDOT intends to develop or begin construction of during that time period. In addition, the UTP must be updated annually in collaboration with local transportation entities to include an annual funding forecast, list of major transportation projects, and category/priority for each project.

TxDOT must develop and publish an annual forecast of expected federal and State funds and use this forecast to guide planning for the UTP. The funding forecast must be developed in collaboration with local transportation entities and based on mutually acceptable assumptions. In addition, a cash flow forecast covering 20 years must be prepared by September 1 each year.

The Texas Transportation Commission is required to adopt rules (in collaboration with local transportation entities) related to:

- specifying criteria for selecting projects to be included in the UTP,
- defining program funding categories, including safety, maintenance and mobility,
- defining each phase of a major transportation project, including planning, programming, implementation and construction.

The Texas Transportation Commission is required to develop rules in collaboration with local transportation entities related to major transportation projects that would:

- establish criteria for designating major transportation projects,
- develop benchmarks for evaluating the progress of major transportation projects, as well as timelines for implementation and construction, and
- determine which benchmarks must be met before a major transportation project goes into the implementation phase of the UTP.

The Texas Transportation Commission is required to develop rules related to priority projects that would:

- establish categories in the UTP,
- assign each project in the UTP to a category, and
- designate priority ranking of each project within a category.

TxDOT must collaborate with local transportation entities when assigning projects to categories. The highest priority projects in each category must be major transportation projects. For each funding category in the UTP, the Commission must specify by rule formulas, which must be updated every four years, for allocating funds in the following categories to districts and MPOs:

- preventive maintenance and rehabilitation of state highways,
- mobility and capacity projects in metropolitan and urban areas,
- mobility and capacity projects on major highways between urban areas,
- Congestion Mitigation and Air Quality Improvement Program (CMAQ) projects in nonattainment areas,
- Metropolitan mobility and capacity projects in large metropolitan areas,
- Transportation Enhancement project funding, and
- projects eligible for federal or State funding as determined by the District Engineer.

The Commission will determine the allocation of funds in all other categories.

Each TxDOT district will develop a four-year work program based on the UTP that contains all projects the district proposes to implement during that time period. The work program must contain information regarding progress of major transportation projects according to benchmarks and timelines as well as a summary of other transportation projects.

Transparency and Reporting

TxDOT will be required to develop a project information reporting system on its website to contain searchable data on all TxDOT plans and programs. The reporting system must contain:

- Information about each TxDOT project, including:
 - status
 - funding source
 - benchmarks for evaluating progress
 - timelines for completing the project
 - a list of TxDOT employees working on the project and their contact information
 - results of an annual review of benchmarks and timelines
- Information about TxDOT funds, including the source, amount, type, and purpose of expenditures reported by district, funding category, and type of revenue.

TxDOT must develop a process to distinguish between projects needed to maintain State infrastructure and projects that would improve infrastructure.

TxDOT will be required to develop a transportation expenditure reporting system on its website to contain searchable data (by roadway and type of road) regarding the priorities of expenditures for transportation projects. The reporting system must contain:

- Reports on the effectiveness of expenditures to achieve the transportation goals.
- Information about pavement condition for each state highway, including the percent of pavement in good or better condition.
- Information about the condition of bridges, including bridge scores.
- Peak-period congestion in the eight largest metropolitan areas.
- The number of fatalities per 100 million miles traveled.

TxDOT must submit an annual report on the status of each transportation goal, including:

- progress on each long-term goal in the statewide transportation plan,
- the status of each major priority project,
- the number of statewide project implementation benchmarks completed, and
- the accuracy of previous TxDOT financial forecasts.

The report must be presented by district and provided to members of the Legislature within that district. In addition, the report must be provided to cities, counties and local transportation entities within each district.

Public Involvement

TxDOT must develop and implement a public involvement policy to target different groups, encourage continuous contact throughout the decision-making process, and identify outcomes of public involvement.

Environmental Streamlining

Agencies that review draft environmental documents will now be given a deadline of 45 days to provide comments once TxDOT requests those comments. Any comments received after this deadline will be considered by TxDOT to the extent possible. This deadline will be set out in memoranda of understanding, which must be updated every five years. The 45-day deadline only applies to future requests for comments, but the bill requires existing MOUs to be updated promptly to include this provision.

The bill defines a new term, “local transportation entity,” to mean a Regional Tollway Authority (NTTA), a Rapid Transportation Authority, a Regional Transportation Agency (DART, The T), a Rural Transit District, a Coordinated County Transportation Authority (DCTA) or a Metropolitan Planning Organization (NCTCOG).

For the purposes of environmental document preparation, the bill defines a new term, “local government sponsor,” to mean a city, county, group of adjoining counties, Regional Tollway Authority (NTTA), Regional Mobility Authority, County Tollroad Authority (Collin County, Dallas County), local government corporation or a transportation corporation that participates in the planning, development, design, funding or financing of a highway project.

The Commission will establish standards for processing an environmental review document for highway projects that increases efficiency, minimizes delays and encourages collaboration/cooperation with a local government sponsor. The standards will apply whether TxDOT or a local government sponsor prepares the environmental documents. The standards must include a dispute resolution process capped at 60 days and must address:

- issues and subject matter to be included in the project scope,
- required content in the draft environmental review document,
- the process for each type of environmental review, and
- review deadlines.

For projects contained in a fiscally-constrained Transportation Improvement Program or the Unified Transportation Program, the standards may provide a process and criteria for prioritizing projects if TxDOT lacks resources to review all environmental documents it receives in a timely manner, which includes notification to the local government sponsor of the delay and ensure that review is completed at least one year prior to the scheduled letting date of the project.

The following deadlines must be included in these standards:

- TxDOT must submit a classification letter for a project within 30 days of receiving a notice from a local government sponsor of its intent to prepare environmental documents.
- For Programmatic Categorical Exclusions, a decision must be made by TxDOT within 60 days of receiving the environmental documents.
- For Categorical Exclusions, a decision must be made by TxDOT within 90 days of receiving the environmental documents.
- When an Environmental Assessment (EA) is prepared, TxDOT has 90 days to comment on a Draft EA once the documents have been received and must issue a decision within 60 days of the revised EA being submitted or the conclusion of the public involvement process, whichever is later.
- For a reevaluation, TxDOT has 120 days to issue a decision after supporting documentation is received.
- When an Environmental Impact Statement is prepared, TxDOT has 120 days to issue a decision after the Final EIS is submitted.

TxDOT or a local government sponsor can prepare environmental documents for a highway project if the project is contained in a TIP or the UTP or if the Commission identifies the project as eligible to undergo review. An exception to this requirement is that a local government sponsor can prepare an environmental document on a project that does not meet this requirement if it submits a fee to TxDOT to cover the review costs.

If a local government sponsor plans to prepare an environmental document for a highway project, it must submit notice to TxDOT including the project scope and a request for classification of the project. If a local government sponsor prepares an environmental document, it is responsible for the project scope, environmental reports, environmental review documents, environmental permits and conditions, coordination with resource agencies and public participation. Once the documents are submitted, TxDOT has 20 days to determine whether the documents are complete and ready to review. If the documents are determined not to be complete, TxDOT must detail the reasons and work with the local government sponsor to complete them so the local sponsor can resubmit the documents.

TxDOT must submit reports by June 30 and December 31 each year to the Commission identifying projects being processed for environmental review including the status of each project. TxDOT must also submit an annual report, containing information from the bi-annual reports, to the Legislature. The Commission is required to adopt rules to implement these new procedures by March 1, 2012.

TxDOT, a county, a Regional Tollway Authority (NTTA), or a Regional Mobility Authority may enter into an agreement to provide funds to a State or federal agency to expedite the environmental review of transportation projects. The agreement may specify which projects are priority and must require the agency receiving such funds to complete the review in less time that would be customary.

Comprehensive Development Agreements

A list of seven specific projects is given authority to be developed through a Comprehensive Development Agreement through August 31, 2015. The projects eligible in the DFW region include:

- IH 35E from IH 635 to US 380
- The North Tarrant Express project, including:
 - SH 183 from SH 121 to SH 161 (Segment 2E)
 - IH 35W from IH 30 to SH 114 (Segments 3A, 3B and 3C)
 - SH 183 from SH 161 to IH 35E

Before TxDOT can enter into a CDA for one of these projects, it must obtain environmental clearance for the project by August 31, 2013 and present a full financial plan, including costing methodology and cost proposals to the Commission.

TxDOT must present a report to the Commission on the status of these projects by December 1, 2012. The report must include:

- status of environmental clearance,
- an explanation of any project delays, and
- the anticipated date of procurement, if it has not been completed.

Specific to the North Tarrant Express, the CDA can provide that future phases or segments can be added without further competitive process, but any additional agreements must terminate by June 22, 2061.

Private entities responding to a Request for Detailed Proposals on a CDA must identify companies that will fill key project roles. If the entity is selected, these companies can't change

unless the company goes out of business, removes itself voluntarily, or in some way can't fulfill the requirements.

Design-Build Contracting

TxDOT will be allowed to use design-build contracting for design, construction, expansion, extension, capital maintenance, rehabilitation, alteration or repair of a highway project with a construction cost exceeding \$50 million. TxDOT is limited to three design-build projects per fiscal year and the authority expires August 31, 2015. A private entity cannot receive leasehold interest or the right to operate or retain revenue from the operation of a toll project. Very specific procedures for the procurement process, including oversight, bidding, selection criteria, and contracting are specified in the bill.

Regional Toll Revenue

Surplus toll revenue and concession payments (in DFW, called Regional Toll Revenue funding) held by TxDOT in a subaccount for the region from which it was generated, will now statutorily be able to be released to an implementing entity at the time the project is approved by TxDOT. This codifies current practice for projects not on the State highway system and will extend that practice to on-system projects as well.

Toll Roads

For a TxDOT toll project in which a private entity has a financial interest and any of the following conditions apply: funds controlled by a region will be used, right-of-way is provided by a city or county, or city/county revenues will be used, a committee must determine the distribution of a project's financial risk, the method of financing, and the tolling structure/methodology. The committee will consist of:

- a TxDOT representative,
- a representative of any local toll project entity,
- a representative of the Metropolitan Planning Organization, and
- a representative of each city and county that has provided right-of-way or revenue.

This bill will take effect on September 1, 2011.

SB 1422 (Nelson) Relating to coordinated county transportation authorities.

This bill makes changes to the Denton County Transportation Authority (DCTA) statute to facilitate enforcing fare payment. It also permits contract negotiation without competitive bids for contracts up to \$50,000 and permits service in an area using tax increment financing to generate revenue to fund transit service under certain conditions.

Based on the applicability criteria, the bill would only apply to the DCTA.
This bill will take effect on September 1, 2011.