Appropriations/Revenue

HB 1 (Zerwas/Nelson) Fiscal Year 2020-2021 Statewide Budget

ARTICLE VI – Natural Resources

Texas Commission on Environmental Quality (TCEQ)

Funding for the Texas Commission on Environmental Quality includes the following amounts:

- $4.5 million in General Revenue-Dedicated Funds from Clean Air Account No. 151 for air quality-planning activities to reduce ozone in near nonattainment areas; and
- an estimated $1.3 million in General Revenue-Dedicated Funds from Clean Air Account No. 151 for the expedited processing of air permit applications at 2018-19 biennial spending levels, with authority for an additional 10 full-time equivalent positions.

Air Quality Planning

Amounts appropriated include $4.5 million for the biennium out of the Clean Air Account No. 151 Air Quality Assessment and Planning, for air quality planning activities to reduce ozone in areas not designated as nonattainment areas during the 2018-19 biennium and as approved by the TCEQ.

Expenditure of these funds are limited to inventorying emissions, monitoring of pollution levels, and administration of the program. The TCEQ shall allocate $281,250 to each area and the remaining funds proportionally to each area with a population in excess of 350,000. Grants issued from appropriations identified in this rider should require that no more than 10 percent of the allocation be used for administrative purposes and prohibit the expenditure of the following: marketing and outreach activities, bicycle use programs, carpooling awareness, environmental awareness campaigns, and locally enforceable pollution reduction programs. The grant recipients shall channel the funds to those projects most useful for the State Implementation Plan (SIP).

For informational purposes, these areas may include, but are not limited to, Waco, El Paso, Beaumont, Austin, Corpus Christi, Granbury, Killeen-Temple, Longview-Tyler-Marshall, Victoria and Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson counties.
Texas Emissions Reduction Plan (TERP):

Amounts appropriated in Air Quality Assessment and Planning include $77,369,870 in fiscal year 2020 and $77,369,867 in fiscal year 2021 out of the TERP Account No. 5071. Pursuant to Health and Safety Code §386.252, the table below provides an estimated allocation for the TERP Account No. 5071 appropriations for each authorized use of the funds for the 2020-21 biennium.

<table>
<thead>
<tr>
<th>Programs</th>
<th>2020</th>
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<tr>
<td>TERP Administration</td>
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<td>Regional Air Monitoring Program</td>
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ARTICLE VII – Business And Economic Development

Transportation

Funding for the Texas Department of Transportation (TxDOT) for the 2020-21 biennium includes $31.1 billion in All Funds, an increase of $0.3 billion from the 2018-19 biennium.

Funding includes the following amounts: an estimated $5.0 billion from anticipated state sales tax deposits to the State Highway Fund (SHF) pursuant to Proposition 7, 2015 (an increase of $0.1 billion); an estimated $3.9 billion from oil and natural gas tax-related deposits to the SHF pursuant to Proposition 1, 2014 (an increase of $0.6 billion); and all SHF available from traditional transportation tax and fee revenue sources, estimated to be $9.3 billion for the 2020–21 biennium (an increase of $0.7 billion). These increases are offset by a decrease of $1.3 billion in Other Funds from bond proceeds. The supplemental appropriations bill includes $125.0 million from the Economic Stabilization Fund to provide grants to counties through the Transportation Infrastructure Fund.

Funding provides $27.2 billion in All Funds for highway planning and design, right-of-way acquisition, construction, and maintenance and preservation. The All Funds amount includes $10.8 billion in Federal Funds; $7.5 billion from traditional SHF revenue sources; $4.4 billion from Proposition 7, 2015, proceeds and $3.9 billion from Proposition 1, 2014, proceeds for constructing, maintaining, and acquiring rights-of-way for nontolled public roadways; and $0.5 billion from the Texas Mobility Fund and regional toll project revenues.

Funding provides $2.2 billion in All Funds for debt service payments and other financing costs, including $1.5 billion in Other Funds from the SHF and the Texas Mobility Fund; $0.6 billion in Other Funds from Proposition 7, 2015, SHF proceeds for General Obligation bond debt service; and $117.0 million in Federal Funds from Build America Bond interest payment subsidies.

*The bill takes effect September 1, 2019.*
HB 4280 (Morrison) - Relating to funding for counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production.

HB 4280 amends the formula in the current TxDOT grant program from the Transportation Infrastructure Fund that makes grants to counties only for transportation infrastructure projects where increased oil and gas production takes place.

The new grant distribution funding breakdown consists of the following: 10 percent according to weight permits, 20 percent according to oil and gas production taxes, 45 percent based on horizontal well completions, 10 percent according to the volume of oil and gas waste injected, and 15 percent according to vertical well completions.

Competitive bidding is required for contracts funded by grants. A county that enters into a transportation infrastructure project contract that involves construction or maintenance of roads and is funded by a grant must advertise bids for the contract, receive multiple competitive bids, and award the contract to the lowest bidder. When the county advertises for bids there are certain articles that must be included in the advertisement. These articles include construction documents estimated budget, project scope, estimated project completion date, and any other relevant information that a bidder may require to submit a bid. A county must spend the grant within five years of the award.

*The bill takes effect September 1, 2019.*

SB 69 (Nelson) - Relating to the authority of the comptroller regarding the management of the *General Revenue Fund* and the *Economic Stabilization Fund*.

SB 69 revises how the state determines the sufficient balance for the Economic Stabilization Fund (ESF). The bill eliminates the legislative committee that previously established the necessary balance in the ESF for transfers to the State Highway Fund. SB 69 would authorize the Comptroller to establish the threshold balance of the ESF to seven percent of the certified general revenue related appropriations made for that biennium.

SB 69 also changes the share of the ESF balance the Comptroller would be able to invest in accordance with the prudent investor investment standard. The Comptroller is now required to keep 25 percent or more of the total fund balance in a liquid reserve. The other 75 percent may be invested in a diversified portfolio of fixed income investments. The fund must remain liquid to allow for short term access to the funds and meet the cash flow requirements of the ESF.

*The bill takes effect September 1, 2019.*

SB 282 (Buckingham) - Relating to the allocation of money associated with delays of transportation projects.

SB 282 requires TxDOT to establish a system to track liquidated damages, including road user costs retained by TxDOT associated with delayed transportation project contracts. TxDOT must correlate the liquidated damages with the project that was the subject of the damages and each TxDOT district in which the project that was the subject of the damages is located.

The bill requires TxDOT to determine each year for each TxDOT district the amount of money retained from such damages in the previous year that is attributable to projects located in the district and to allocate each year to each TxDOT district an amount of money determined in such a manner to be used for transportation projects located in that district. If a transportation project that was the subject of liquidated damages is located in more than one TxDOT district, the amount of the liquidated damages from that project must be allocated among the districts in which the project is located.

*The bill takes effect September 1, 2019.*

SB 962 (Nichols) - Relating to the determination of the sufficient balance of the *Economic Stabilization Fund* for purposes of allocating general revenue to that fund and the *State Highway Fund*.

SB 962 changes the sunset date for Proposition 1 funding from December 31, 2024, to December 31, 2034.

*The bill takes effect September 1, 2019.*
HB 1346 (Ed Thompson) - Relating to the eligibility requirements for the *Diego Emissions Reduction Incentive Program.*

HB 1346 amends the Diesel Emissions Reduction Incentive Program. HB 1346 states that the TCEQ may decide the minimum amount of vehicle miles traveled in a nonattainment area in order to qualify for the program, provided the minimum percentage is not less than 55 percent.

*The bill takes effect September 1, 2019.*

HB 1627 (Morrison) - Relating to the removal of certain counties from the *Texas Emissions Reduction Plan.*

Removes Victoria County from the list of affected counties for purposes of the TERP program, removing the county from eligibility for TERP grants.

*The bill takes effect immediately.*

HB 2604 (Sanford) - Relating to the number of emissions inspections performed by certain vehicle inspection stations.

HB 2604 prohibits the Texas Department of Public Safety (TxDPS) from enforcing a rule that currently allows an inspection station to perform a limited number of emissions inspections on a motor vehicle per month. Currently, the number of emissions inspections conducted by a station are not limited by the TxDPS.

*The bill takes effect on January 1, 2020.*

HB 3745 (Bell) - Relating to the *Texas Emissions Reduction Plan Fund and Account.*

HB 3745 extends the sources of funding for the TERP program and extends the fee and surcharge revenues until all areas in Texas have been designated by the Environmental Protection Agency as in attainment. Deposit of fees and surcharges and the transfer of funds for TERP will continue until September 1, 2021.

The bill also reestablishes the TERP Fund as a trust fund outside the state treasury to be held by the Comptroller and administered by TCEQ as the trustee beginning September 1, 2021. The bill would authorize monies in the TERP Fund to be expended without legislative appropriation and would direct TCEQ to transfer any remaining unencumbered balances to the TERP Account no later than the 30th day after the last day of the state fiscal biennium.

The bill would increase the administrative allocation funded from both the TERP Account and the TERP Fund from $8 to $16 million each year.

*The bill takes effect August 30, 2019.*

SB 604 (Buckingham) - Relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the Department.

SB 604 is the Texas Department of Motor Vehicles (TxDMV) Sunset bill. In addition to changes to statute related to the TxDMV, the bill includes language on conducting a study on alternatively fueled vehicles.
The TxDMV must organize a study on:

- the impact of alternatively fueled vehicles, defined as a motor vehicle capable of using fuel other than gasoline or diesel, in Texas;
- the options available for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes; and
- the feasibility and desirability of establishing a fee for alternatively fueled vehicles.

The study will be conducted by TxDMV, TxDOT, the Public Utility Commission of Texas, TxDPS, and TCEQ and must examine the following:

- the current revenue generated from motor fuel taxes imposed on a conventional vehicle and each type of alternatively fueled vehicle for each mile the vehicle is operable;
- the net revenue generated by fees and taxes paid by owners of alternatively fueled vehicles and conventional vehicles for the use of the vehicle, including registration fees, motor fuel taxes, and any taxes, fees, and surcharges on the retail sale of electricity consumed by alternatively fueled vehicles;
- the methods to determine the average number of miles traveled in Texas by alternatively fueled vehicles and conventional vehicles each year;
- the type and amount of fees by which other states generate revenue from alternatively fueled vehicles and conventional vehicles;
- alternative methods for determining and collecting road use fees from owners of alternatively fueled vehicles, including methods that consider the weight of and the number of miles traveled by an alternatively fueled vehicle;
- the projected revenue to the state for each method examined;
- the projected impact of alternatively fueled vehicles on the state highway system, including the maintenance required because of the impact;
- the projected direct environmental benefit of alternatively fueled vehicles on vehicle emissions in the state; and
- the projected impact of alternatively fueled vehicles to the state's power grids and electricity markets.

The TxDMV must submit to the Governor and the Legislature a written report by December 1, 2020, that includes a summary of the results of the study and any legislative recommendations.

The bill takes effect September 1, 2019.

**Bicycle/Pedestrian**

**HB 2188 (Frullo) - Relating to the operation of electric and non-electric bicycles.**

HB 2188 defines “bicycle” as a device that a person may ride that is capable of being ridden solely using human power and has two tandem wheels at least one, of which, is more than 14 inches in diameter. HB 2188 defines three classes of electric bicycles and defines an “electric bicycle” as a bicycle equipped with fully operable pedals, an electric motor of fewer than 750 watts, and a top assisted speed of 28 miles per hour or less.

HB 2188 states that the TxDPS and local authorities are restricted from prohibiting the use of an electric bicycle in an area in which the operation of a nonelectric bicycle is permitted, unless the area is a path that is not open to motor vehicles and has a natural surface tread made by clearing and grading the native soil without adding surfacing materials. However, TxDPS and local authorities can prohibit the operation of a bicycle on a sidewalk and establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated.

A "Class 1" electric bicycle is defined as a bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top speed of 20 miles per hour or less. A "Class 2" electric bicycle means an electric bicycle equipped with a motor that may be used to propel the bicycle without the pedaling of the rider and has a top speed on 20 miles per hour or less. A "Class 3" electric bicycle assists the rider only when pedaling with a top speed of more than 20 but less than 28 miles per hour. Class 3 electric bicycles must have riders over 15 years of age. Riders under 15 may be passengers on a Class 3 electric bicycle. Class 3 bicycles must be equipped with a functioning speedometer.
Manufacturers must label their products in a prominent position, in a 9-point font, in order to alert consumers to whether the electric bicycle is a Class 1, 2, or 3 electric bicycle. If an electric bicycle is altered, then the alteration must replace the label to correspond. Manufacturers must also ensure that the bicycle complies with requirements under United States Consumer Product Safety Commission under 16 C.F.R., Part 1512.

The bill takes effect September 1, 2019.

City Planning/Land Use/Annexation/Development

HB 347 (King) - Relating to consent annexation requirements.

HB 347 eliminates unilateral annexations in home rule cities. The bill eliminates the definitions of Tier 1 and Tier 2 cities and counties created by SB 6 (85th-1) related to annexation. Landowner or voter approval is now required for most annexations.

The bill repeals the municipal annexation definitions of "Tier 1 county," "Tier 2 county," "Tier 1 municipality," and "Tier 2 municipality" and repeals the general annexation authority provisions and procedures applicable to a Tier 1 municipality.

HB 347 also repeals provisions that limit a Tier 2 municipality from applicable provisions relating to consent annexations, including provisions relating to general annexation authority and procedures, the annexation of an area on the request of owners, the annexation of an area with a population of less than 200 by petition, and the annexation of an area with a population of at least 200 by election.

In addition, the bill repeals provisions relating to arbitration of a strategic partnership agreement between a municipality and an applicable conservation and reclamation district and provisions relating to annexation and incorporation procedures for certain unincorporated communities in certain counties.

Finally, the bill authorizes certain narrowly-defined types of annexation (city-owned airports, reservoirs) to continue using a service plan, notice, and hearing annexation procedure. In addition, annexation is allowed on request of a landowner, in areas with less than 200 population by petition of the voters, and if required, petition of the landowners.

The bill is effective immediately.

HB 2439 (Phelan) - Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction of residential or commercial structures.

HB 2439 prohibits a government entity from adopting or enforcing any rule, ordinance, building code, or regulation that prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles. Cities cannot establish a standard for a building product, material or aesthetic method on a building if more stringent than a standard in a national model code within last three cycles.

A rule, charter, provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with the bill, is void. The attorney general may bring an action in the name of the state to enjoin a violation of the bill and may recover reasonable attorney’s fees and costs incurred in bringing an action under the bill.

The bill takes effect September 1, 2019.

Freight

HB 4166 (VanDeaver) - Relating to a study of the feasibility of the expansion of navigation on the Red River by the Red River Authority of Texas.
HB 4166 directs the Red River Authority of Texas to study the feasibility of increasing navigation on the Red River, between Texarkana and Denison, by completing the navigation system of locks and dams or other means. The Authority must submit the study to a legislative committee before January 1, 2021.

HB 4166 expires January 2, 2021.

*The bill takes effect September 1, 2019.*

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**Government/MPOs/Open Meetings/Public Information**

**HB 2736 (Darby) - Relating to the authority of a governmental unit that has withdrawn from a regional planning commission to join another regional planning commission.**

HB 2736 outlines a process for transferal from one regional planning commission to an adjacent one. A government unit that has withdrawn from a regional planning commission may join another if the transfer is approved by the withdrawing unit and the commission the unit wishes to join. The government unit must submit a written request in the form and manner prescribed by the Office of the Governor and demonstrate that the transfer improves the health, safety, and general welfare of their residents, and helps plan for the future development of communities. The Governor must also sign the order to complete the transfer.

*The bill takes effect immediately.*

**HB 2840 (Canales) - Relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.**

HB 2840 requires governmental bodies to allow each member of the public to give input on agenda items during open meetings. A government body is defined as:

- a county commissioners court in the state;
- a municipal governing body in the state;
- a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;
- a school district board of trustees;
- a county board of school trustees;
- a county board of education;
- the governing board of a special district created by law;
- a local workforce development board;
- a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state;
- a nonprofit corporation that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation; and
- a joint board created under Transportation Code 22.074 (county and municipal airports).

Input must be given before or during the consideration of the agenda item and not after. HB 2840 also mandates governmental bodies to adopt reasonable rules regarding the public’s right to address the body, including rules regarding time limits. Non-English speakers with a translator must be given double time during open meetings to address and communicate with the body. A governmental body may not prohibit public criticism of the body.

*The bill takes effect September 1, 2019.*
SB 494 (Huffman) - Relating to certain procedures applicable to meetings under the Open Meetings Law and the disclosure of public information under the Public Information Law in the event of an emergency, urgent public necessity, or catastrophic event.

SB 494 states that during times of emergency, notice of meeting to deliberate on the emergency or urgent public necessity is posted for at least one hour before the meeting is convened. The previous law mandated was two hours. Matters must be directly related to responding to the emergency. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snowstorm, power failure, transportation failure, or interruption of communication facilities, epidemic, or riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence are considered emergencies under SB 494.

A governmental body could suspend the public information requirements if the body was currently impacted by a catastrophe. The initial suspension period could be extended one time for not more than seven consecutive days that began on the day following the day the initial suspension period ended.

*The bill takes effect September 1, 2019.*

SB 944 (Watson) - Relating to the Public Information Law.

SB 944 requires governmental bodies to disclose information to the public upon written request, unless that information is excepted from disclosure.

The bill defines “temporary custodian” as an officer or employee of a governmental body who, in transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer’s agency.

SB 944 states that a current or former employee of a governmental body who maintains public information on a privately-owned device must forward or transfer the information to a server maintained by the government body and preserve the information in a backup and on the privately-owned device.

SB 944 adds duties of officers for public information. Now, public information officers must make reasonable efforts to obtain public information from a temporary custodian if the information has been requested by the governmental body, the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has control of the information, the officer for public information is unable to comply with the duties imposed by this section without obtaining it first from the temporary custodian, and the temporary custodian has not provided the information to the officer.

Neither a temporary custodian, nor a public information officer, has property rights to public information. If a public information officer asks for the information, then the temporary custodian must relinquish it within 10 days. If a temporary custodian fails to do this, they face disciplinary action.

Any person may make a written request for public information via US mail, email, hand delivery, fax, or submission via the Internet. The request for public information may not be granted unless the submission is made via aforementioned avenues. The attorney general must create a public information request form that is confidential.

*The bill takes effect September 1, 2019.*

SB 1640 (Watson) - Relating to changing the criminal offense of conspiracy to circumvent the Open Meetings Law.

SB 1640 amends Government Code to revise the conduct constituting the offense of conspiring to circumvent state open meetings laws. The bill attempts to revive the offense of using a “walking quorum” to make public policy without gathering in a quorum.

The bill makes it an offense for a member of a governmental body to knowingly engage in at least one communication among a series of communications that occurs outside of an authorized open meeting concerning an issue within the
jurisdiction of the governmental body in which individual communications constitute fewer than a quorum of members, and if the member knew, at the time, involved or would involve a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications.

The bill would also modify the definition of "deliberation" to include written exchanges.

_The bill is effective immediately._

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**Roadways, Highway Construction and Delivery**

**HB 310 (Hall) - Relating to the designation of a portion of Farm-to-Market Road 1570 in Hunt County as the John L. Horn Memorial Parkway.**

Designates a portion of the highway on FM 1570, between its intersection with State Highway 34 and State Highway 66, and Spur 1570, between its intersection with State Highway 66 and U.S. Highway 380, as the John L. Horn Memorial Parkway.

_The bill takes effect September 1, 2019._

**HB 1542 (Martinez) - Relating to changes made by certain design-build contractors to the design-build team for transportation projects.**

HB 1542 prohibits a design-build contractor, selected for a contract, from making changes to companies or entities identified as part of the design-build team in a response to a request for proposals unless, 1) a company or entity is no longer in business, is unable to fulfill its legal, financial, or business obligations, or can no longer meet the terms of the teaming agreement proposed for the project with the design-build contractor, then they are exempt, 2) a company or entity voluntarily removes itself from the team, then they are also exempt, 3) a company or entity fails to provide a sufficient number of qualified personnel to fulfill the duties identified during the proposal stage, or 4) fails to negotiate in good faith in a timely manner.

This language is added to Transportation Code, Chapter 223, Bids and Contracts for Highway Projects and Chapter 370, Regional Mobility Authorities.

_The bill takes effect September 1, 2019._

**HB 2830 (Canales) - Relating to certain requirements for and limitations on design-build contracts for highway projects of the Texas Department of Transportation.**

HB 2830 updates the current restriction of three design-build projects per fiscal year to allow for a total of six design-build contracts per fiscal biennium. In addition, the bill adds that a request for proposal must include certain information, including a schematic design that is 30 percent complete.

_The bill takes effect September 1, 2019._

**HB 2899 (Leach) - Relating to civil liability and responsibility for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements.**

HB 2899 states that a contractor who enters into a contract with a government entity is not civilly liable or otherwise responsible for the accuracy, adequacy, sufficiency, suitability, or feasibility of any project specifications and is not liable for
damages caused by defects in the project specifications or errors or negligent acts by government entities under contract in the rendition of professional duties arising out of project specifications. This does not apply to outside consultants retained by a governmental entity whose job is to monitor the project specifications.

HB 2899 also prohibits a governmental entity from requiring that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances in a contract for engineering or architectural services.

*The bill is effective immediately.*

## Safety

**HB 339 (Murr) - Relating to the placement of speed limit signs at the end of construction or maintenance work zones.**

When a road construction work zone ends on a road or highway in the state highway system, a sign must be placed at the end of the work zone to alert motorists that the usual speed limit has been restored.

*The bill takes effect September 1, 2019.*

**HB 771 (Davis) - Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.**

HB 771 amends the Transportation Code to broaden the application of an existing law that requires posting of certain signage concerning the prohibition of a wireless communication device while operating a motor vehicle within a school crossing zone. The bill specifically changes references in Transportation Code from “a municipality, county, or other political subdivision” to “a local authority.”

The bill also clarifies that TxDOT is required to adopt standards for this signage, which it currently does.

The bill also bans bus drivers from using their wireless devices while operating the bus, unless the operator needs to use a wireless device in the performance of their duties or as a two-way radio.

*The bill takes effect September 1, 2019.*

**HB 1631 (Stickland) - Relating to prohibiting the use of photographic traffic signal enforcement systems.**

HB 1631 prohibits a local authority from implementing or operating a photographic traffic enforcement system. These enforcement systems are most often referred to as red-light cameras. A local authority may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

The bill states that the Attorney General must enforce the ban on red-light cameras. HB 1631 also prohibits these various political subdivisions from issuing citations based on photos gathered by red-light cameras. If a political subdivision had entered into an agreement to provide funding for red-light camera administration and enforcement, then that contract may be allowed to continue and exist if it was entered into before May 7, 2019.

A provision in this bill bans the TxDMV and county assessor-collectors from refusing to register motor vehicles alleged to have been involved in a violation involving a red-light camera violation. HB 1631 also deletes numerous sections of code regarding red-light camera enforcement.

*The bill takes effect immediately.*
HB 2775 (Krause) - Relating to the movement of pedestrians in front of, under, between, or through rail cars at a railroad grade crossing.

HB 2775 prohibits a pedestrian from moving in front of, under, between, or through the cars of a moving or stationary train occupying any part of a railroad crossing.

*The bill takes effect September 1, 2019.*

HB 3871 (Krause) - Relating to the process for establishing speed limits on roads near certain schools.

A county commissioner’s court may declare a school zone of not less than a speed limit of 20 miles per hour on a county road or highway that is located within 500 feet of an elementary, secondary, or open-enrollment charter school or institution of higher education.

Currently a school can hold a public hearing once per year to consider speed limits near public or private schools. The bill adds charter schools to the list of those entities that can hold a public hearing on lowering speed limits.

On request of the governing body of a school or institution of higher education following a public hearing held under this section, the governing body of a school may request the commissioner’s court, municipal governing body, or Texas Transportation Commission to conduct an investigation on the highway or road that is the subject of the request. Upon the conclusion of the investigation, the commissioner’s court, municipal governing body, or Texas Transportation Commission may also alter the speed limit.

*The bill takes effect September 1, 2019.*

SB 711 (Hinojosa) - Relating to allowing safety recall information to be included in a vehicle inspection report.

SB 711 mandates that the TxDPS includes vehicle safety recall notifications on vehicle inspection reports. The bill also mandates that TCEQ includes vehicle safety recall notifications on vehicle inspection reports. TCEQ and TxDPS may accept gifts, grants, or donations from any source to fund this initiative.

*The bill takes effect September 1, 2019.*

**Technology: Automated Vehicles and Unmanned Aircraft**

HB 2340 (Dominguez) - Relating to emergency and disaster management, response, and recovery.

HB 2340 encourages state agencies, local governments, nongovernment organizations, private entities, and individuals to adopt the Federal Emergency Management Agency’s (FEMA) strategic plan for disaster preparation and response.

The bill creates an unmanned aircraft study group. The group shall study strategies for coordinating and promoting the use of unmanned aircraft among state agencies, local governments, and private entities to more effectively use unmanned aircraft in disaster response and recovery. The unmanned aircraft study group will also recommend changes to state law that would allow state agencies, local governments, and private entities to be more effective in disaster response and recovery. The study group shall create a report and submit it to the Legislature by November 1, 2020.

This bill also creates an information sharing workgroup. The workgroup would consist of members who represent the Comptroller’s office, the Department of State Health Services, the Texas Department of Transportation, the General Land
Office, Health and Human Services Commission, institutions of higher education, and other appropriate federal agencies. The workgroup will develop recommendations for improving the way electronic information is stored and shared among state agencies and federal agencies to respond to disasters and coordinate agencies’ responses to a disaster. This group would create a report for the Governor in November of even numbered years.

The bill takes effect September 1, 2019.

HB 3082 (Murphy) - Relating to investigating and prosecuting the criminal offense of operating an unmanned aircraft over or near certain facilities.

HB 3082 would have changed the offense of operation of an unmanned aircraft for conduct over or near certain critical infrastructure facilities from "intentionally or knowingly" to "with criminal negligence." The bill also mandates that a peace officer who investigates an offense under this section shall notify the Department of Public Safety. HB 3082 also contains language that would have added military installations to the list of critical infrastructures that unmanned aircraft could not fly over.

The bill was vetoed by Governor.

SB 969 (Hancock) - Relating to the operation of personal delivery and mobile carrying devices.

SB 969 allows for mobile carrying devices and personal delivery devices to deliver small cargo loads to individuals in certain areas.

The bill defines a mobile carrying device as a device that transports cargo while remaining within 25 feet of a human operator and is equipped with technology that allows the operator to actively monitor the device.

The bill defines a personal delivery device as a device manufactured primarily for transporting cargo in a pedestrian area or the shoulder of a highway and is equipped with automated driving technology, including software and hardware that enables the operation of the device with the remote support and supervision of a human.

Both devices must yield to traffic, including pedestrians, not interfere with traffic, comply with local regulations, not transport hazardous materials in certain quantities and be monitored. The devices must travel at or under 10 miles per hour in pedestrian zones or 20 miles per hour or less on roadways or shoulder of highways. Local jurisdictions may enforce rules keeping the devices to speeds under 10 miles per hour if they see fit.

A personal delivery device must have contact information visible with a unique identification number. A local authority may regulate a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner consistent with this law. The bill does not affect the authority of a local police department to enforce Texas law relating to the operation of a personal delivery or mobile carrying device. A business entity that operates a personal delivery device must also maintain an insurance policy that includes general liability coverage of not less than $100,000 for damages arising from the operation of the device.

The bill is effective immediately.

Tolling

HB 803 (Patterson) - Relating to financial reporting requirements for toll projects.

HB 803 requires entities that manage toll projects to publish a financial data report no later than 180 days after the end of their fiscal year. The report must include, 1) the final maturity of all bonds issued by the entity, 2) toll revenue for each toll project.
for the previous fiscal year, 3) an accounting of total revenue collected and expenses incurred by the entity for the previous fiscal year (such as debt service, maintenance and operation costs, any other miscellaneous expenses, in addition to any surplus revenue), and 4) a capital improvement plan with proposed or expected capital expenditures over a period determined by the entity.

Toll project entities may also report amounts stored in debt reserve funds if their bondholders require it. Toll project entities are permitted to publish graphs, charts, and other visual aids on their website related to the financial report and must also prominently display the link on their website. If the toll project is a comprehensive development agreement (CDA), then they only have to publish the name and cost of the toll project and the termination date of the agreement.

The bill takes effect September 1, 2019.

**SB 198 (Schwertner) - Relating to payment for the use of a highway toll project.**

SB 198 requires TxDOT to provide electronic toll collection customers with the option to authorize auto payment of tolls through the withdrawal of funds from the customer’s bank account.

An electronic toll collection customer using a transponder must activate and mount the device on their vehicle, provide the toll project entity accurate license plate and customer contact information, and keep that information updated. A toll project entity may not send an invoice or a notice of unpaid tolls to the owner of a vehicle soliciting payment unless the toll project entity determines whether there is an active toll collection customer account that corresponds to the transponder.

The bill also requires a toll project entity to satisfy unpaid tolls at the standard collection rate without accruing late fees or any other fees from an account if the account correctly corresponds to a transponder, if there is sufficient money in the account, and if the device was mounted correctly.

In addition, if a toll project entity discovers a transponder issued by the entity malfunctions more than 10 times within a 30-day period, it must be replaced. The entity should also send the customer a notice stating that the transponder is not working correctly and it should be replaced. However, the onus of responsibility to replace the transponder is on the customer and they will not receive additional notice.

SB 198 requires invoices or notices to be sent by mail or e-mail, if the customer elects to receive notice electronically. The bill also allows toll entities to share customer account information with each other.

The bill takes effect September 1, 2019.

**SB 1091 (Nichols) - Relating to vehicles eligible for veteran toll discount programs.**

SB 1091 authorizes a cap to the number of toll transponders issued to veterans who qualify for a toll discount program. It limits the number of transponders to two per qualified individual.

The bill is effective immediately.

**SB 1311 (Bettencourt) - Relating to the electronic transmission of an invoice or notice of toll nonpayment by a toll project entity.**

SB 1311 gives counties, a regional mobility authority, and toll project entities the option to provide certain invoices or notices of toll or turnpike project nonpayment, as applicable, as an electronic record. A notice or invoice can be sent as an electronic record, if the recipient of the information agrees to receive the information electronically, instead of first-class mail.

The bill takes effect September 1, 2019.
SB 1066 (Nelson) - Relating to certain coordinated county transportation authorities.

SB 1066 amends the Transportation Code to modify the composition of the Board of Directors of certain coordinated county transportation authorities (Denton County Transportation Authority).

*The bill is effective immediately.*