

Transportation in the 81st Session of the Texas State Legislature

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The 81st Legislature faced many issues during the 2009 session and the first called special session related to transportation policy and the future of Texas. Not only was the September 1, 2009 Sunset date for the Texas Department of Transportation (TxDOT) fast approaching, but the depressed economy presented an obstacle to members of the appropriation process in determining how to fund programs and agencies.

Even though the TxDOT Sunset legislation, HB 300, did not pass, the concepts and provisions of the bill are being utilized by the department to guide us through changes in transportation policy and development to reflect the best interests of Texans. In addition, there were numerous bills that were signed into law that affect transportation-related issues on either the state or federal level (or both).

Several of the recommendations made to the 81st Legislature by the Sunset Advisory Commission, as well as several of the components of HB 300, do not require changes in law for implementation. We are working to implement changes that reflect these legislative initiatives, as we feel they are vital to our continued efforts to become a more transparent and accountable agency. We recently unveiled new website tools, enabling website visitors to interactively examine lists of congested roadways in the state, look up pavement condition ratings and see how the maintenance funds spent in their area will impact their roadways. The tools, which are linked to the department's project tracker, were created at the direction of the Texas Legislature and can be found at http://www.txdot.gov/project_information/.

In addition, the Texas Transportation Commission appointed members from Metropolitan Planning Organizations and other planning entities around the state to serve on the Transportation Planning and Project Development Rules Advisory Committee at their July 2009 meeting. The committee has met twice since then, and will continue to meet regularly to discuss how planning rules in the Texas Administrative Code can be developed to provide a more clear and concise planning process for transportation officials and the public.

Meetings for the Rules Advisory Committee are posted on our website and open to the public. The proposed new rules

will be fully vetted through these public meetings, and the department hopes to have the rules before the Transportation Commission for further public comment and review by the spring of 2010.

Many of our major efforts to implement changes within the department center around the State's complicated transportation planning and project development process and helping to provide the public with a better understanding of how important decisions are made. Although the comprehensive Sunset bill was unable to achieve passage during the regular session, there is no need to wait two years to get moving on good ideas. We feel this initiative can be implemented without legislation and we are diligently working to do just that. The Transportation Commission has been discussing this issue at length during recent workshop and regular meetings which are also open to the public and archives can be viewed on the TxDOT website.

The 81st Legislature's General Appropriations Act (GAA), Senate Bill 1, provided for many changes at the department. It restructures TxDOT's bill pattern to provide greater clarity and transparency in budgeting for transportation projects. SB 1 distinguishes what is appropriated to pay for projects already underway, and what is left over to support new contracts in the biennium. Additionally, it provides appropriations from the State Highway Fund (Fund 6) to support about \$1.6 billion in new construction and maintenance projects in 2010 and in 2011.

Also, having already appropriated \$662,200,000 for the current biennium, the Texas Legislature appropriated \$1,637,800,000 in American Recovery and Reinvestment Act (ARRA) funds for the upcoming biennium. Of that total, \$1,587,800,000 is appropriated for highway and bridge construction and \$50,000,000 is appropriated for transit projects.

Throughout the session there were numerous discussions during debate on several bills as to who can provide the most efficient delivery of engineering services for the state and to ultimately limit TxDOT's in-house engineering services. Rider 57 of SB1 provides for a study produced by the Comptroller in consultation with the Texas Board of Professional Engineers, TxDOT, the Council of Engineering Companies, the Association of General Contractors, the Legislative Budget Board and the Governor to look at the situation and pro-

vide results on what method of delivery is most efficient and cost effective.

In terms of legislation impacting transportation and the department, House Bill 3097 creates the independent Texas Department of Motor Vehicles (DMV). This agency will include the TxDOT's Motor Vehicle Division, Vehicle Titles and Registration Division and the registration functions of the Motor Carrier Division. The creation of the DMV allows those divisions that are being moved to focus on their core missions which are customer service and vehicle related. Additionally, this will allow TxDOT to focus on its core mission of financing and building Texas' infrastructure. The Governor will appoint the board by October 1, 2009. The new agency will be operational by November 1, 2009, and it is estimated \$103.7 million and 622 FTEs each year will be transferred from TxDOT to the DMV.

The passage of SB 2298 authorizes state agencies to pay state employees who are exempt from earning overtime for compensatory time accrued by the employee during a declared disaster or emergency. However, non-exempt employees can also be paid for compensatory time earned for work directly related to a disaster or emergency if they do not earn overtime instead. Furthermore, the bill allows employees to earn compensatory time for time worked during any calendar week at their personal residence with advance supervisory approval. In addition, SB 1474 Bill authorizes "emergency services personnel" to take compensatory time off during the 18-month period following the end of the workweek in which the compensatory time was accrued. Under the expanded emergency service personnel definition this includes individuals who are required in the course and scope of employment to provide services for the benefit of the general public during emergency situations. State agencies are permitted to pay those employees their regular hourly salary rate for all or part of the hours of compensatory time off accrued during a declared disaster in the preceding 18-month period. However, in doing so, the employee's compensatory time balance must be reduced by one hour for each hour the employee is paid accrued compensatory time.

To assist the department with focusing on multi-modal transportation solutions for the future, Senate Bill 1382 requires TxDOT to create a long-term plan for a statewide passenger

rail system. This will include annual updates on existing and proposed passenger rail systems, analysis of potential interconnectivity problems, and ridership projections. To help with this function, the department has created a Rail Division. Implementation of this new Division is of vital strategic importance to the operation of TxDOT. We are currently in the process of hiring a division director, effective October 1, 2009. We additionally have a draft organization structure in place and plan to have the Rail Division operational by January 1, 2010.

The special session called on July 1, 2009 and adjourned by July 2, addressed several key issues. Given the Sunset legislation did not pass during the regular session, the focus of this session was to address the potential wind down process of TxDOT (and other agencies) starting September 1, 2009, with an end result of being closed for business by August 31, 2010. Additionally, the legislature was unable to pass the authorization of \$2 billion on Prop 12 bonds that the legislature appropriated to TxDOT in SB 1.

House Bill 1 authorizes the commission to issue \$2 billion in Prop 12, general obligation bonds. Of that, \$1 billion is deposited to the SIB to provide financial assistance to public entities for the costs of transportation projects by making loans or by providing several types of credit enhancement. The remaining \$1 billion is appropriated for engineering, right of way, and new construction. The bill also specifies that we can go to contract on \$1.85 billion in non-tolled highway projects in the next biennium.

Senate Bill 2 extends TxDOT's sunset date by two years to 2011. The Sunset Commission is instructed to conduct a "limited review" of the agency during the interim. They will focus on the Sunset Commission's recommendations for the 81st legislature rather than starting from square one. As mentioned previously, the department has been and will continue to proactively implement many of the recommendations that do not require statutory changes.

All of these changes will shape the future of Transportation in Texas. With our updated interactive website design and efforts to become a more transparent and accountable agency, I urge you and the citizens of Texas to provide input and feedback on our changes. We are here to help you get where you need to go in a safe, timely manner.

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