



# 86<sup>th</sup> Legislature (2019)

## Legislative Overview

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State Legislative Affairs, Director

# 86<sup>th</sup> Legislature (2019) – Highlights



## Sunset Final Report to 86<sup>th</sup> Legislature (2019) February 2019



## Commissioner Alvin New

The Senate confirmed Alvin New to the Texas Transportation Commission for a term ending in February 2021.



## 86<sup>th</sup> Legislative Session (2019)

- Budget Overview
- Highlights of Bills

# TxDOT Involvement with the Legislature



30

Introductory visits with new elected legislators



29

Presentations to county and city leader groups



128

Legislative committee hearings where TxDOT provided a resource witness



325+

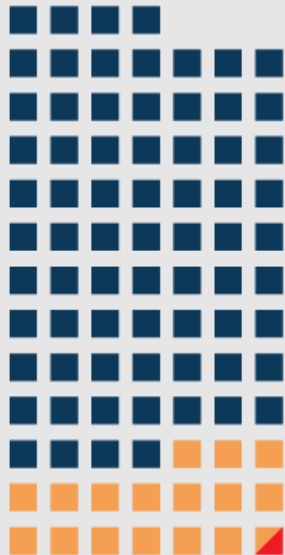
Monitored and reported on legislative committee hearings and floor sessions




# TxDOT Bill Tracking

## 85<sup>th</sup> (2017)

TxDOT Tracked Bills — 880

*\*Scale - 10 bills per block*



	TxDOT Tracked – Not Passed	713
	TxDOT Tracked – Passed	161
	TxDOT Tracked – Vetoed	6




Total Bills Filed by the 85<sup>th</sup> Legislature (2017) — 7,002

## 86<sup>th</sup> (2019)

TxDOT Tracked Bills — 935

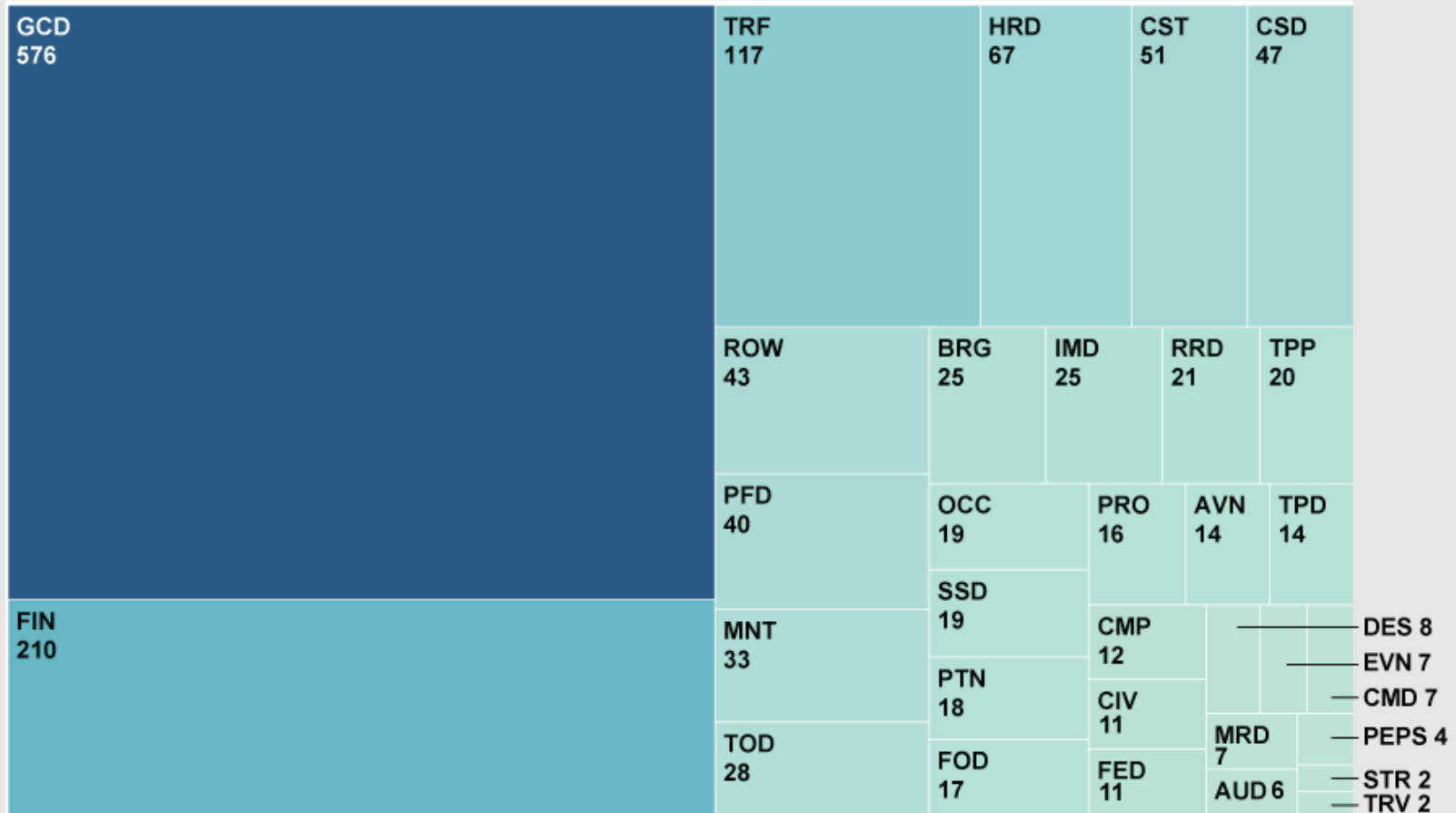
*\*Scale - 10 bills per block*



	TxDOT Tracked – Not Passed	763
	TxDOT Tracked – Passed	168
	TxDOT Tracked – Vetoed	4

Total Bills Filed by the 86<sup>th</sup> Legislature (2019) — 7,541

# TxDOT Bills by Division



# TxDOT 2020–2021 Budget (Funding Sources & Uses)

## Article VII - TxDOT Bill Pattern

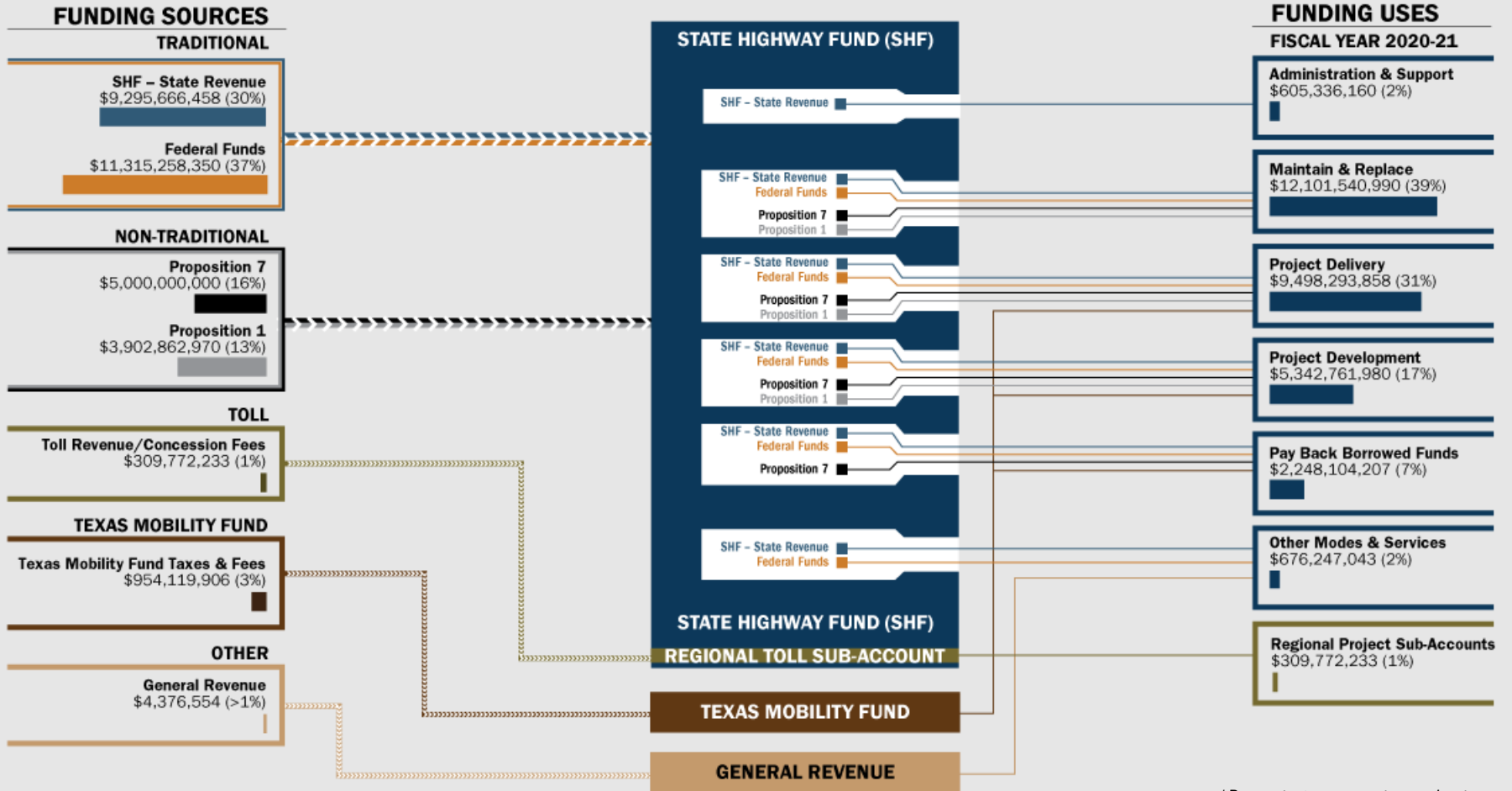
Method of Finance	Fiscal Years 2020-2021
State Highway Fund (State Sources)	\$9,295,666,458 (30%)
Federal Funding	\$11,315,258,350 (37%)
Proposition 7	\$5,000,000,000 (16%)
Proposition 1	\$3,902,862,970 (13%)
Toll Revenue/Concession Fees	\$309,772,233 (1%)
Texas Mobility Fund	\$954,119,906 (3%)
General Revenue	\$4,376,554 (>1%)
<b>Total:</b>	<b>\$30,782,056,471</b>

Budget Uses	Fiscal Years 2020-2021
Administration & Support	\$605,336,160 (2%)
Maintain & Replace	\$12,101,540,990 (39%)
Project Delivery	\$9,498,293,858 (31%)
Project Development	\$5,342,761,980 (17%)
Pay Back Borrowed Funds	\$2,248,104,207 (7%)
Other Modes & Services	\$676,247,043 (2%)
Regional Project Sub-Accounts	\$309,772,233 (1%)
<b>Total:</b>	<b>\$30,782,056,471</b>

*\*Totals & Percentages may not sum due to rounding*



# TxDOT 2020-2021 Budget (Funding Sources & Uses)



\*Percentages may not sum due to rounding

# TxDOT 2020–2021 Budget (Other Appropriations)

## Article IX – Provisions (HB 1)

**McKinney National Airport (New)**

Appropriates \$15 million from General Revenue for airport expansion project.

**Human Trafficking (New)**

Appropriates \$200,000 from General Revenue in fiscal year 2020 for the purpose of installing signage or providing grants to install signage at public transportation hubs.

## Supplemental Appropriations (SB 500)

**County Transportation Infrastructure Fund (CTIF) (New)**

Appropriates \$125 million from Economic Stabilization Fund for CTIF grants (see also slide 11, Rider 47).

**South Texas International Airport (New)**

Appropriates \$5 million from Economic Stabilization Fund for the expansion of airport hangar used by TxDPS and first responders at the Edinburg Airport.



# TxDOT 2020–2021 Budget (Funding Requests)

DESCRIPTION	FY 2020-2021 Budget Request	FY 2020-2021 HB 1
Rider 2. Repair or Rehabilitation of Buildings and Facilities - Deferred Maintenance	\$57,000,000	\$28,500,000
Rider 2. Construction of Buildings and Facilities - Statewide Facilities	\$116,000,000	\$58,000,000
Rider 2. Acquisition of Land and Real Property - Statewide Facilities	\$46,300,000	\$46,300,000
Rider 2. Total Information Technology Requests	\$289,175,509	\$255,290,478
Rider 42. Austin Campus Consolidation	\$23,800,000	\$23,800,000
Full-Time Equivalents (FTEs). Additional 313.5 FTEs	\$19,000,000	\$19,000,000
Exceptional Item. South Orient Railroad at Presidio (General Revenue) - Border Inspection & Security Facilities	\$500,000	\$500,000

# TxDOT 2020–2021 Budget (Select Riders)

## ARTICLE VII – TxDOT RIDERS

<b>Rider 3: Transfer Authority</b> (Modified)	Allows TxDOT to transfer up to 5% between certain appropriation strategies each fiscal year without LBB approval. TxDOT will provide quarterly reports to LBB.
<b>Rider 11(b): District Discretionary Funds</b> (Modified)	Modifies Rider 11(b) for funding allocation to be used at land ports of entry within 25 miles of Texas-Mexico border.
<b>Rider 31: Debt Reduction Report</b> (Modified)	Directs TxDOT to seek opportunities for savings in refinancing of outstanding bond debt. Requires TxDOT to report savings to LBB.
<b>Rider 32: Study on Transportation Technology</b>	Requires TxDOT to examine and evaluate innovative transportation technologies for purposes of cost savings, reducing traffic congestion, promoting safety, and increasing economic productivity.
<b>Rider 34: Voluntary Turnback Program</b>	Requires TxDOT to provide a report to legislature on communities participating in the program, list of roads, lane miles transferred, and maintenance funds associated with the transfer.
<b>Rider 38: Port Access Improvements</b>	Requires TxDOT to use Texas Mobility Fund dollars in an amount not to exceed \$20 million in each fiscal year of the biennium.

# TxDOT 2020–2021 Budget (Select Riders)

## ARTICLE VII – TxDOT RIDERS

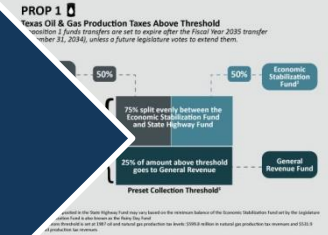
<b>Rider 41: Capital Improvements (New)</b>	Provides unexpended balance authority (from 2018-2019 biennium) for the construction of buildings and facilities and repair or rehabilitation of buildings and facilities.
<b>Rider 42: Austin Campus Consolidation Project (New)</b>	Authorizes the Texas Public Finance Authority to issue revenue bonds in an amount not to exceed \$326 million.
<b>Rider 43: Limitation on Employment Levels (New)</b>	Allows TxDOT to pay the salaries for a number of employees up to 103% of FTE limitation in a fiscal quarter, with the Commission required to report the exceeding of that limitation to the LBB.
<b>Rider 44: Construction of Intelligent Transportation System (ITS) (Modified)</b>	Requires TxDOT to pay for ITS at El Paso port of entry in an amount not to exceed \$32 million (Bridge of Americas & Zaragoza Bridge).
<b>Rider 46: Pelican Island Bridge (New)</b>	Restricts the expenditure of funds for a replacement bridge and roadway through Texas A&M Galveston without prior written approval from the LBB.
<b>Rider 47: County Transportation Infrastructure Fund (CTIF) (New)</b>	Directs TxDOT to provide \$125 million for CTIF grants as a one-time expenditure from any available source of revenue [Texas Mobility Fund].

# Transportation Funding

## SB 69 - Senator Nelson / Representative Capriglione

*Relating to the allocations of money for transfer to the state highway fund and the Economic Stabilization Fund and the investment of money in the Economic Stabilization Fund.*

- Extends Proposition 1 (2014) deposits to the State Highway Fund by 10 years until 2034 (Fiscal Year 2035).
- Eliminates the Economic Stabilization Fund Sufficient Balance legislative committee and sets the sufficient balance to 7% of the certified general revenue-related appropriations (September 1, 2021).



## HB 3745 - Representative Bell, Cecil / Senator Birdwell

*Relating to the Texas Emissions Reduction Plan (TERP) fund and account.*

- Extends State Highway Fund transfers to the Texas Emissions Reduction Program account until Texas reaches federal air attainment.
- Results in over \$150 million transfer of non-dedicated State Highway Funds each year.



# Emergency Operations

## SB 537 - Senator Kolkhorst / Representative Thompson, Ed

*Relating to the purchase of food and beverages by TxDOT for certain employees responding to emergencies or disasters.*

- Authorizes TxDOT to use appropriated funds to purchase food and beverages for its employees who are activated in response to a disaster or emergency situation.



## SB 6 - Senator Kolkhorst / Representative Morrison

*Relating to emergency and disaster management, response, and recovery.*

- Creates the Texas Division of Emergency Management wet debris study group, and emergency management workgroup with state agencies and local governments.



# Project Development & Delivery

## HB 2830 - Representative Canales / Senator Hancock

*Relating to certain requirements for and limitations on design-build contracts for highway projects of the TxDOT.*

- Allows TxDOT to enter into six design-build contracts in a biennium.



## SB 1512 - Senator Flores / Representative Martinez

*Relating to payment of costs related to the relocation of certain political subdivision utility facilities for state highway projects.*

- Allows the more timely relocation of public utilities at the expense of the state for qualified economically distressed public utilities.
- Caps the expenditures by the Texas Transportation Commission at \$10 million per year for the program.





# Project Development & Delivery

## SB 2083 - Senator Hinojosa / Representative Darby

*Relating to the calculation of the ad valorem taxes imposed on property for the year in which the property is acquired by a governmental entity.*

- Relieves a landowner of property taxes upon a governmental entity taking possession of a property through condemnation.



## SB 401 - Senator Hancock / Representative Cyrier

*Relating to legislative oversight of deferred maintenance projects.*

- Re-establishes and codifies the Joint Oversight Committee on Government Facilities.
- Requires TxDOT to submit biannual reports to the committee on the deferred maintenance needs and requires the committee to issue a biennial budget recommendation to the legislature to address the identified deferred maintenance needs of all state agencies.





## HB 4280 - Representative Morrison / Senator Flores

*Relating to funding for counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production.*

- Updates the County Transportation Infrastructure Fund grant program for county roads impacted by increased oil and gas (\$250M of funding in HB 1 (\$125M) & SB 500 (\$125M)).
- Modifies the formula for distributing grants: 10% - weight tolerance permits ratio; 20% - oil and gas production taxes ratio; 45% - horizontal well completion ratio; 10% - volume of oil and gas waste injected ratio; and 15% - vertical well completion ratio.



## HB 799 - Representative Landgraf / Senator Nichols

*Relating to liability for certain damage caused by vehicles exceeding maximum height limitations; creating a criminal offense.*

- Owner of a vehicle is strictly liable for any damages to a bridge, underpass, or similar structure that is caused by the height of the vehicle.
- Creates a Class B misdemeanor, punishable by a fine up to \$500, and/or confinement in a county jail for a term not to exceed 30 days if the person was not in compliance with all applicable license and permit requirements at the time of the offense.



# Costs Savings & Efficiencies

## SB 1092 - Senator Nichols / Representative Canales

*Relating to certain contracts requiring competitive bidding by the TxDOT.*

- Allows TxDOT to procure traffic control and safety devices by low-bid contract.
- Clarifies TxDOT's authority to procure materials by low-bid contract for use in the construction or maintenance of highways.



## SB 1959 - Senator Creighton / Representative Deshotel

*Relating to the maritime port plans, reports, and programs prepared by the Port Authority Advisory Committee.*

- Allows the Port Authority Advisory Committee to submit a single report, called the Port Mission Plan, to provide a singular more coherent review and assessment of the Texas port system.



# Tolling Operations

## HB 803 - Representative Patterson / Senator Paxton

*Relating to financial reporting requirements for toll projects.*

- Requires toll project entities, including TxDOT, to publish annual reports of specified toll road and financial data prominently on the entity's website.



## SB 198 - Senator Schwertner / Representative Canales

*Relating to payment for the use of a highway toll project.*

- Requires electronic toll collection customers be provided the option of automatic payment of tolls through the withdrawal of funds from their bank account.
- Provides uniformity to toll billing across the state.



## SB 1091 - Senator Nichols / Representative Ashby

*Relating to vehicles eligible for veteran toll discount programs.*

- Authorizes the issuance of up to two transponders that may be issued to be eligible under the Veteran Toll Discount Program.
- Allows eligible veterans to receive an additional transponder (1) under a hardship exception.



## HB 1079 - Representative Price / Senator Perry

*Relating to a study by the TxDOT of the feasibility of certain improvements to Interstate Highway 27.*

- Requires TxDOT to conduct a comprehensive feasibility study extending I-27 (Ports to Plains Corridor).
- Requires the Texas Transportation Commission to appoint advisory and segment committees.



## SB 357 - Senator Nichols / Representative Canales

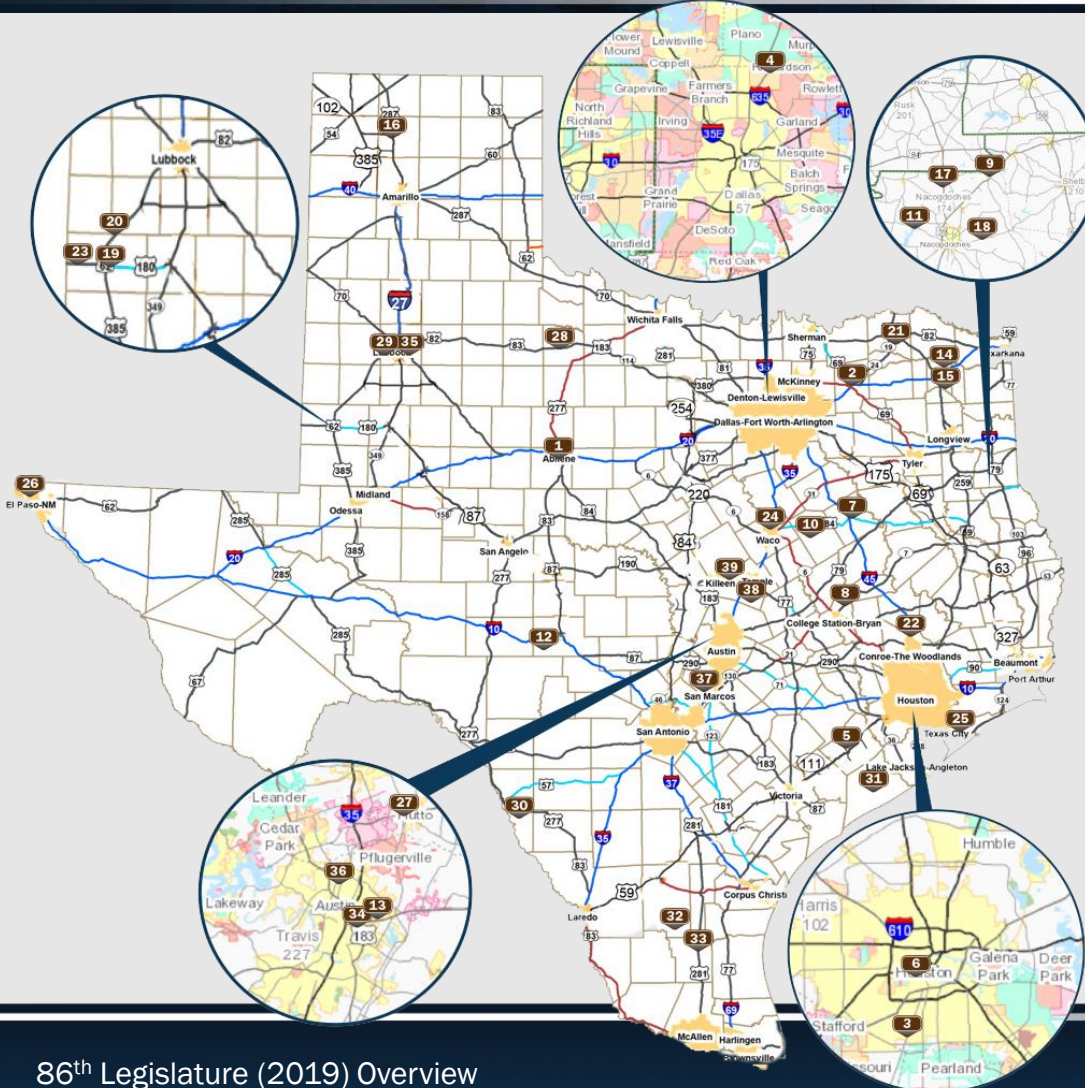
*Relating to the height of outdoor advertising signs regulated by the TxDOT.*

- Limits regulated commercial sign height to 60 feet on Federal Primary Classified Highways (grandfathers existing sign heights above 60 feet).
- Allows an additional enforcement mechanism for the Texas Transportation Commission against permit holders with over 100 permitted signs.





# 39 Highway Naming & Designation Bills Passed



TxDOT sent notification letters of procedures and costs to bill authors on June 17, 2019.

# Bills Requiring Texas Transportation Commission Rulemaking

## **HB 71 - Representative Martinez / Senator Lucio**

*Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds and charge fees; creating a criminal offense.*

## **HB 1079 - Representative Price / Senator Perry**

*Relating to a study by TxDOT of the Ports-to-Plains Corridor, including an evaluation of the feasibility of certain improvements to Interstate Highway 27.*

## **HB 2422 - Representative Anderson / Senator Perry**

*Relating to the coordination of certain broadband projects by TxDOT.*

## **HB 2830 - Representative Canales / Senator Hancock**

*Relating to certain requirements for and limitations on design-build contracts for TxDOT highway projects.*

## **HB 3460 - Representative Thompson, Ed / Senator Kolkhorst**

*Relating to the route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.*

## **HB 3850 - Representative Deshotel / Senator Creighton**

*Relating to the funding of certain ship channel improvements.*

## **HB 4280 - Representative Morrison / Senator Flores**

*Relating to funding for counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production.*



# Bills Requiring Texas Transportation Commission Rulemaking

**SB 198 - Senator Schwertner / Representative Canales**

*Relating to payment for the use of a highway toll project.*

**SB 357 - Senator Nichols / Representative Canales**

*Relating to the height of outdoor advertising signs regulated by TxDOT.*

**SB 944 - Senator Watson / Representative Capriglione**

*Relating to the public information law.*

**SB 1091 - Senator Nichols / Representative Ashby**

*Relating to vehicles eligible for veteran toll discount programs.*

**SB 1092 - Senator Nichols / Representative Canales**

*Relating to certain contracts requiring competitive bidding by TxDOT.*

**SB 1311 - Senator Bettencourt / Representative Raney**

*Relating to the electronic transmission of an invoice or notice of toll nonpayment by a toll project entity.*

**SB 1959 - Senator Creighton / Representative Deshotel**

*Relating to the maritime port plans, reports, and programs prepared by the Port Authority Advisory Committee.*

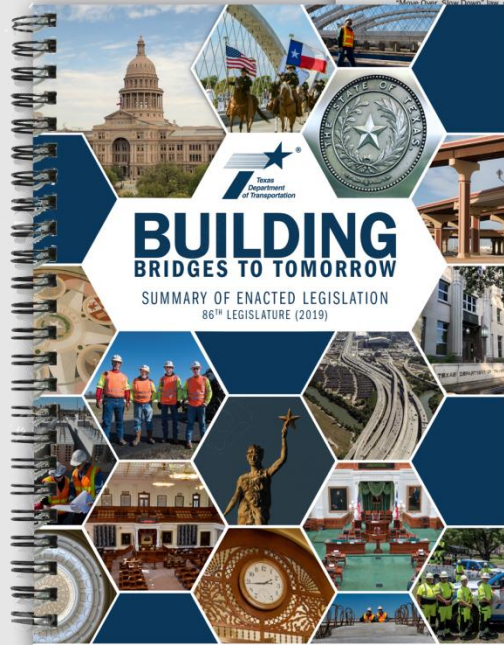
**SB 2168 - Senator Watson / Representative Cyrrier**

*Relating to relief from local matching funds requirement for certain counties.*





# Session Summary Publication – June 2019



## HB 61

### TRANSPORTATION SAFETY

Relating to highway maintenance or construction vehicles, certain service vehicles, and escort flag vehicles, including the use of certain lighting equipment on those vehicles.

Author: Representative James White (R-Hillister)  
Sponsor: Senator Robert Nichols (R-Jacksonville)



#### Summary

Section 545.157(a), Transportation Code—the “Move Over, Slow Down” law—generally requires a driver to vacate the lane when driving past a vehicle traveling in the same direction as the driver, or slow to a speed of less than the posted speed limit if the vehicle is traveling less than 25 miles per hour. Section 545.157(a) lists the types of vehicles protected by the law, added by HB 61:

1. construction vehicles, including highway maintenance vehicles, that are operating on a highway when the vehicle is being operated in the course of highway maintenance or construction; and

2. service vehicles used by or for a utility, as defined by Section 203.001, Transportation Code, and using visual signals that comply with adopted state standards and specifications.

HB 61 amends Section 547.001(2-b), Transportation Code, to change the definition of “highway maintenance vehicle” to read “highway maintenance or construction vehicle.” The bill adds the following equipment purposes and uses to the definition of highway maintenance or construction vehicle: guardrail repair, sign maintenance, temporary traffic-control device replacement or removal, and road construction. HB 61 also requires both contractor construction and highway maintenance vehicles and utility service vehicles to comply with the vehicle lighting standards adopted by TxDOT pursuant to Section 547.105, Texas Transportation Code.

HB 61 amends Section 547.105(a) and (b), Transportation Code, adding highway construction



Summary of Enacted Legislation, 86th Legislature (2019)  
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## HB 61 TRANSPORTATION SAFETY



1. adopts standards and specifications that apply to lamps on the vehicles; and
2. adopts standards and specifications for the use of flashing lights for identification purposes.

The bill amends Section 547.305(e) to prohibit highway construction vehicles from operating without lamps or not displaying lighted lamps in accordance with TxDOT’s standards and specifications.

HB 61 adds Section 547.305e-3), Transportation Code, to authorize the equipping of escort flag vehicles with alternating or flashing blue and amber lights. The bill adds Section 547.305e-4), Transportation Code, to authorize any vehicle listed in Section 545.157(a) to be equipped with flashing blue lights. The bill defines the term “escort flag vehicle” as a vehicle that precedes or follows an oversize or overweight vehicle for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.

Summary of Enacted Legislation, 86th Legislature (2019)  
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#### Impact on TxDOT

The addition of new types of protected vehicles to the “Move Over, Slow Down” law, will have no direct fiscal or operational impact on TxDOT. However, adding highway maintenance or construction vehicles operated by TxDOT contractors on TxDOT projects will help ensure that TxDOT contractors are afforded the same legal safety protections in TxDOT work zones as TxDOT employees performing the same type of work in the same or similar conditions.

TxDOT will review its current lighting standards adopted under Section 547.105, Transportation Code, and update them accordingly. If needed, to address the addition of contractor highway construction vehicles, TxDOT can absorb within existing resources any cost of implementing the bill provisions relating to the revision of the lighting standards.

All TxDOT fleet vehicles requiring lighting are currently covered under the current definition of highway maintenance vehicles. Therefore,

# Any Questions?



For more information visit  
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