

BILL ANALYSIS

Senate Research Center

H.B. 3343
By: Wohlgemuth (Ogden)
Infrastructure Development and Security
5/20/2003
Engrossed

DIGEST AND PURPOSE

Public transportation services are currently provided throughout the state by a wide array of transportation providers including regional and metropolitan transportation authorities, municipal and county transportation authorities, rural and small urban transit districts, and a variety of other public and private entities. Funding for these services comes from a variety of sources – federal, state and local. On the state level alone, funding for public transportation programs is provided by multiple state agencies including the Texas Department of Transportation (TxDOT), the Texas Department of Health, the Texas Workforce Commission, the Commission for the Blind, the Department on Aging, and the Texas Department of Mental Health and Mental Retardation.

H.B. 3343 consolidates the provision of health and human services transportation services within TxDOT. TxDOT will be responsible for contracting with transportation providers to provide these services and ensure this is done in a more efficient manner.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Transportation Commission in SECTION 1 (Section 461.003, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle K, Title 6, Transportation Code, by adding Chapter 461 to read as follows:

CHAPTER 461. STATEWIDE COORDINATION OF PUBLIC TRANSPORTATION

Sec. 461.001. LEGISLATIVE INTENT AND CONSTRUCTION. (a) Sets forth legislative intent.

(b) Requires this chapter to be liberally construed to achieve its purposes.

Sec. 461.002. DEFINITIONS. Defines "public transportation provider" and "public transportation services."

Sec. 461.003. DUTIES OF THE TEXAS TRANSPORTATION COMMISSION. (a) Authorizes the Texas Transportation Commission (TTC) by rule to require any state agency that is responsible for ensuring the delivery of public transportation services to contract with the Texas Department of Transportation (TxDOT) for TxDOT to assume all responsibilities of that agency relating to the provision of those transportation services.

(b) Authorizes TTC by rule to require any public transportation provider to provide detailed information on its provision of public transportation services, including revenues, routes, maps, categories of customers served, number of customers served, and equipment use and condition. Prohibits TTC, except with regard to health and human service programs funded by the state, from directing the planning or operations of authorities created under Chapter 451, 452, or 453, Transportation Code.

(c) Requires TTC to adopt other rules as necessary to implement this chapter, including the definition of terms as necessary for its implementation.

Sec. 461.004. DUTIES OF THE TEXAS DEPARTMENT OF TRANSPORTATION.

(a) Requires TxDOT to identify overlaps and gaps in the provision of public transportation services, including services that could be provided more effectively by existing privately funded transportation resources, underutilized equipment owned by public transportation providers, and inefficiencies in the provision of public transportation services by any public transportation provider.

(b) Authorizes TxDOT contract with any public or private transportation provider for TxDOT to arrange for the provision of public transportation services.

Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) Requires TxDOT, for the purpose of eliminating waste and maximizing efficiency, to encourage public transportation providers to agree among themselves on the allocation of specific services and service areas. Authorizes TxDOT to incorporate these discussions in existing planning processes, including the Statewide Transportation Improvement Program or local transportation improvement plans.

(b) Authorizes TxDOT, in the absence of an agreed-upon service plan that furthers the purposes of this chapter, to develop an interim service plan for that area.

(c) Authorizes TxDOT to require that all or a percentage of vehicles used to provide public transportation services meet specified emissions standards. Authorizes the standards to vary among geographic areas based on the need of each area to reduce levels of air pollution. Provides that this subsection does not apply to an authority created under Chapter 451 or 452, Transportation Code.

Sec. 461.006. DUTIES OF PUBLIC TRANSPORTATION PROVIDERS. Requires public transportation providers to cooperate with TxDOT in eliminating waste and ensuring efficiency and maximum coverage in the provision of public transportation services.

Sec. 461.007. INCENTIVES FOR EFFICIENCY. (a) Authorizes TTC, notwithstanding any other law, including laws establishing formulas for the allocation of public transportation grants, to increase or reduce grants to any public transportation provider based on whether that public transportation provider is complying fully with this chapter.

(b) Authorizes TTC, notwithstanding any other law, to consider whether public transportation providers in a geographic area are complying fully with this chapter in executing its other responsibilities regarding that area.

SECTION 2. Amends Section 455.004, Transportation Code, as follows:

Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE. (a) Requires a public transportation advisory committee consisting of nine members to perform certain functions including to advise the commission on implementation of Chapter 461.

(b) Requires TTC to appoint members of the committee. Requires the membership of the committee to include four members who represent a diverse cross-section of public transportation providers, three members who represent a diverse cross-section of public transportation users, and two members who represent the public. Deletes existing text requiring the governor, the lieutenant governor, and the speaker of the house of representatives each to appoint three members of the committee. Deletes existing text requiring the appointing officers to allocate among themselves the authority for

appointment of members with different types of qualifications. Deletes existing text requiring the committee to include certain members

(c) Provides that a member serves at the pleasure of TTC, rather than of the officer appointing the member. Provides that a member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

(d) Requires the public transportation advisory committee to meet as requested by the commission. Deletes the requirement for the committee to meet quarterly.

(e) No changes to this subsection.

SECTION 3. Amends Section 455.0015, Transportation Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Sets forth the intent of the legislature, including its intent regarding private sector transportation resources.

(c) Requires each health and human services agency of this state to contract with TxDOT for TxDOT to assume all responsibilities of the health and human services agency relating to the provision of transportation services for clients of eligible programs.

(d) Authorizes TxDOT to contract with any public or private transportation provider or with any regional transportation broker for the provision of public transportation services.

SECTION 4. Amends Section 301.063(b), Labor Code, to require Texas Workforce Commission and executive director, in administering this title to contract with TxDOT for TxDOT to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION 5. Amends Section 40.002, Human Resources Code, by adding Subsection (f) to authorize the Department of Protective and Regulatory Services to contract with TxDOT for TxDOT to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION 6. Amends Section 22.001, Human Resources Code, by adding Subsection (e) to require the Department of Human Services to contract with TxDOT for TxDOT to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION 7. Amends Section 91.021, Human Resources Code, by adding Subsection (g) to require the Texas Commission for the Blind to contract with TxDOT for TxDOT to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION 8. Amends Section 101.0256, Human Resources Code, as follows:

Sec. 101.0256. COORDINATED ACCESS TO LOCAL SERVICES. (a) Creates this subsection from existing text.

(b) Requires the Texas Department on Aging to contract with TxDOT for TxDOT to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION 9. Amends Section 111.0525, Human Resources Code, by adding Subsection (d) to require the Texas Rehabilitation Commission to contract with TxDOT for TxDOT to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION 10. Amends Section 461.012(a), Health and Safety Code, to require the Texas Commission on Alcohol and Drug Abuse to perform certain functions including to contract with TxDOT for TxDOT to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION 11. Amends Section 533.012, Health and Safety Code, as follows:

Sec. 533.012. COOPERATION OF STATE AGENCIES. (a) Created from existing text.

(b) Requires the Texas Department of Mental Health and Mental Retardation to contract with TxDOT for TxDOT to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION 12. Requires TxDOT, no later than January 1, 2005, to report to the legislature on the implementation of Chapter 461, Transportation Code, including the effects on users of public transportation, overall service levels, and cost effectiveness.

SECTION 13. Provides that it is the intent of the legislature that the provision of health and human service transportation through the Texas Department of Transportation will improve the delivery of transportation services to clients and enhance their access to transportation services. Provides furthermore, that it is the intent of the legislature that these services be provided in a manner that will generate efficiencies in operation, control costs, and permit increased levels of service. Requires TxDOT to encourage cooperation and coordination among transportation providers, regional transportation brokers, and actual and potential clients in an effort to achieve the stated legislative goals.

SECTION 14. Requires any funds that are used by the Texas Department of Transportation to implement the transportation services provided in Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 to be accounted for and budgeted separately from other funds appropriated to TxDOT for any other public transportation program or budget strategy.

SECTION 15. Effective date: upon passage or September 1, 2003.