

1 HB1  
2 197475-6  
3 By Representative Poole  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 06-MAR-19

1 ENGROSSED

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4 A BILL

5 TO BE ENTITLED

6 AN ACT

7

8 Relating to the Permanent Joint Transportation  
9 Committee; to amend Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4,  
10 29-2-6, and 29-2-8, Code of Alabama 1975; to provide for  
11 technical corrections concerning the duties of the committee  
12 as it relates to the Alabama Department of Transportation  
13 long-range plan; to increase the number of members of the  
14 Committee and specify their residency requirements; to provide  
15 clarification of the long-range plan; and to provide  
16 clarification of the Alabama Department of Transportation's  
17 duties and information requirements to the Committee relating  
18 to the long-range plan.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4,  
21 29-2-6, and 29-2-8, Code of Alabama 1975, are amended to read  
22 as follows:

23 "§29-2-1.

24 "The Legislature hereby finds and declares as  
25 follows: A long-range program of highway development and  
26 maintenance in Alabama (herein ~~called~~ "the state") is vital to  
27 the safety of the traveling public as well as the industrial

1 and agricultural growth ~~and to the present and future~~  
2 ~~well-being of the citizens~~ of the state; the highway system in  
3 the state must be adequate to meet ~~such~~ expanding needs; ~~the~~  
4 highway construction, ~~modification,~~ maintenance, and  
5 administration to support such a system ~~must~~ should include  
6 long-range planning, soundness in scope of the highway  
7 program, efficient performance, and fiscal responsibility in  
8 both policy and planning; the use ~~enactment~~ of a long-range  
9 highway program will further the judicious expenditure of  
10 highway funds, will promote the public safety and convenience  
11 ~~and public safety,~~ will enhance public confidence in the  
12 responsible expenditure of public funds, and will result in  
13 tangible benefits to the public by providing a sound program  
14 to facilitate vehicular traffic and safety; such a long-range  
15 program will establish continuity in highway construction,  
16 modification, and maintenance programs, thereby enabling the  
17 ~~State of~~ Alabama Department of Transportation (herein ~~called~~  
18 "ALDOT" or "the Transportation Department") to operate at  
19 maximum efficiency with ~~a~~ greater returns in highway benefits  
20 for the amount of public funds expended; ~~all~~ citizens ~~and~~  
21 ~~interested parties~~ should be aware of how ~~their~~ highway  
22 ~~dollars~~ funds will be expended ~~well~~ as far in advance of ~~such~~  
23 the actual expenditures as possible; ~~and~~ because changing of  
24 routes affect people's travel times and patterns as well as  
25 property values, all plans for such changes should be  
26 transparent and made known ~~to all citizens simultaneously~~ well  
27 in advance of their implementation; ~~such a long-range program~~

1 ~~requires advance consideration of priority of highway~~  
2 ~~construction and modification projects and of adequate budgets~~  
3 ~~for highway construction, modification, maintenance, and~~  
4 ~~administration~~ achieving an appropriate balance in highway  
5 decision making is an important goal; and, to the foregoing  
6 ~~ends, it is desirable to create a permanent joint~~  
7 ~~transportation committee of the Legislature which will develop~~  
8 ~~expertise pertaining to highway matters within both~~  
9 ~~legislative bodies and which will insure geographical balance~~  
10 ~~in highway decision making~~ the development of highway plans  
11 and budgets for their implementation is a primary  
12 responsibility of the Transportation Department working under  
13 the direction of the Governor; appropriate legislative  
14 oversight procedures are necessary to fulfill the goals set  
15 forth above; a Joint Transportation Committee of the  
16 Legislature will develop expertise pertaining to highway  
17 matters within both legislative bodies and will contribute  
18 actively to the Legislature's deliberations with respect to  
19 highway funding and plans; and now therefore, the creation of  
20 such Joint Transportation Committee is appropriate and  
21 desirable.

22 ~~This article shall be liberally construed in order~~  
23 ~~to effect the purposes.~~

24 "§29-2-2.

25 "(a) There is hereby created a continuing permanent  
26 joint transportation committee of the Legislature to be known  
27 as the "Joint Transportation Committee." The committee shall

1 consist of ~~seven~~ twelve members of the Senate appointed by the  
2 President of the Senate and ~~seven~~ twelve members of the House  
3 of Representatives appointed by the Speaker of the House of  
4 Representatives, one senator and one house member to be a  
5 resident of each present United States congressional district  
6 in the state and one senator and one house member to be a  
7 resident of each Alabama Department of Transportation region.  
8 Of the total membership, a minimum of two members shall be  
9 from the Minority party.

10 "(b) The members that reside in the Alabama  
11 Department of Transportation regions ~~Members~~ of the Joint  
12 Transportation Committee shall be appointed within thirty days  
13 of the effective date of this act; in subsequent years,  
14 members of the Joint Transportation Committee shall be  
15 appointed within five legislative days after the convening of  
16 the first regular session after the election of each  
17 Legislature. Members shall hold office during their terms as  
18 legislators and until their successors are appointed.  
19 Vacancies shall be filled by appointment by the respective  
20 presiding officer. Appointees shall be ~~residents of the~~  
21 ~~congressional district where the vacancy exists~~ made to  
22 fulfill the residency requirements outlined above.

23 "(c) The appointing authorities shall coordinate  
24 their appointments to assure the committee membership is  
25 inclusive and reflects the racial, gender, geographic, urban,  
26 rural, and economic diversity of the state.

27 "§29-2-3.

1                   ~~"Within 10 days after members of the Joint~~  
2 ~~Transportation Committee are appointed as provided in this~~  
3 ~~article, the committee shall convene at a place and time~~  
4 ~~designated by the President of the Senate in written notice~~  
5 ~~given to each member at least five days in advance or without~~  
6 ~~notice upon unanimous consent of the members of the Joint~~  
7 ~~Transportation Committee~~ The Joint Transportation Committee  
8 shall meet the fourth Wednesday of January, April, July, and  
9 October at 1:30 PM at the Alabama State House. At the second  
10 quarterly meeting of each year, and at the initial meeting  
11 during each session of the Legislature, the Joint  
12 Transportation Committee shall elect from its membership a  
13 chair and vice-chair which shall rotate between members from  
14 the House and Senate. Special meetings of the Joint  
15 Transportation Committee may be called by the chair by giving  
16 members of the committee 14 days notice when the Legislature  
17 is out of session, and 24 hours notice if a meeting is called  
18 on a legislative day or legislative committee day. Special  
19 meetings may also be called by petition of a majority of the  
20 members of the committee that includes the date and time of  
21 the meeting and all members are given 24 hours notice. The  
22 ~~Joint Transportation Committee shall meet, at the request of~~  
23 ~~its chair or as its members shall determine, in both cases~~  
24 ~~upon written notice at least five days in advance or without~~  
25 ~~notice upon unanimous consent of its membership; provided,~~  
26 ~~that the committee shall meet at least once each three months.~~  
27 Decisions of the Joint Transportation Committee may be made by

1 a majority of the members present and voting at any properly  
2 convened meeting as long as a quorum is in attendance. A  
3 quorum shall consist of any ~~eight~~ thirteen members. If less  
4 than a quorum is present at any meeting the recommendations  
5 presented by ALDOT shall be deemed approved. ~~or any~~  
6 ~~adjournment thereof, those members who are present may adjourn~~  
7 ~~the meeting from time to time and a majority vote of the~~  
8 ~~members present shall be sufficient, without any notice other~~  
9 ~~than by announcement at the meeting, to adjourn the meeting~~  
10 ~~from time to time until a quorum is in attendance. At any~~  
11 ~~adjourned meeting, any business may be transacted that might~~  
12 ~~have been transacted at the meeting as originally called~~  
13 Should any member be absent from two meetings of the four  
14 quarterly meetings during any calendar year, they shall be  
15 deemed to have forfeited their position and a replacement  
16 shall be appointed by the respective appointing authority as  
17 outlined herein. Upon the request of the Chair, the Secretary  
18 of the Senate and the Clerk of the House shall provide  
19 clerical assistance as the committee requires.

20 "§29-2-4.

21 "The powers and duties of the Joint Transportation  
22 Committee shall be ~~the following~~ as follows:

23 "(1) It shall review ~~and concur in a~~ and shall  
24 consider concurring with the long-range plan of the  
25 Transportation Department as such plan exists at the date of  
26 the meeting called for the purpose of reviewing the plan. The  
27 "long-range plan" referred to herein is the Statewide

1 Transportation Improvement Program (STIP) maintained by ALDOT  
2 for the purpose of complying with requirements of the Federal  
3 Highway Administration, which plan is amended multiple times  
4 each year for administrative as well as substantive reasons,  
5 and which plan shall be constantly available on the ALDOT  
6 website. A member of the Committee may propose an amendment to  
7 the STIP provided that the proposed amendment is delivered in  
8 writing to the Transportation Department by the close of  
9 business of the fourth Wednesday after the draft plan is  
10 presented to the Committee. The proposed amendment shall be  
11 fiscally constrained within the funding category shown in the  
12 draft STIP. The Department shall prepare the amendment and  
13 deliver to each member of the Committee no later than the  
14 fourth Wednesday of the month prior to the next quarterly  
15 meeting. Should the Committee, by majority vote, accept the  
16 proposed amendment, the amendment shall be delivered by the  
17 Chair of the Committee to the Governor for consideration of  
18 changing the STIP as presented by the Transportation  
19 ~~Department. (five-year) federal-aid highway plan for proposed~~  
20 ~~highway construction of all highways on the state highway~~  
21 ~~system, which long-range plan shall commence with the fiscal~~  
22 ~~year of the state beginning October 1, 1989. Prior to any~~  
23 ~~deviation from the intent of the five-year plan, the Joint~~  
24 ~~Transportation Committee shall review and concur in the~~  
25 ~~deviation, except commitments for highway projects necessary~~  
26 ~~for new or expanded industry. Commitments for these industry~~  
27 ~~projects shall be included in the next quarterly report by the~~



1 ~~Department of Transportation. The plan shall be updated~~  
2 ~~annually. The plans in appropriate form shall be made~~  
3 ~~available to all government agencies and all members of the~~  
4 ~~public and news media.~~

5           "(2) The update of the Transportation Department's  
6 annual fund allocation plan shall be presented to the Joint  
7 Transportation Committee at the third quarterly meeting of  
8 each year. The review and consideration of concurrence in the  
9 annual update of the ~~five-year highway~~ plan shall be  
10 accomplished by the Joint Transportation Committee ~~prior to~~  
11 ~~September 1~~ no later than the last quarterly meeting of each  
12 year. Failure of the Joint Transportation Committee to concur  
13 in the annual update will not prevent the ~~Department of~~  
14 Transportation Department from proceeding with any project.

15           "(3) The Transportation Department's requested  
16 budget for the following fiscal year shall be presented to the  
17 Joint Transportation Committee at the last quarterly meeting  
18 of the year. It shall review the budget ~~for highway~~  
19 ~~construction, maintenance, operation, and administration of~~  
20 ~~the Department of Transportation~~ proposed by the  
21 Transportation Department on an annual basis, which ~~budget~~  
22 review shall be reviewed completed not later than the  
23 ~~fifteenth legislative day of each annual session of the~~  
24 ~~Legislature~~ first quarterly meeting of each year. The Joint  
25 Transportation Committee shall report on the budget requests  
26 of the Transportation Department to the House Ways and Means  
27 General Fund Committee and the Senate Finance and Taxation

1 General Fund Committee and may make recommendations about the  
2 budget to the committees.

3 "(4) An in-progress draft of the Annual Report  
4 outlined in Section 23-1-35, Code of Alabama 1975 shall be  
5 presented to the Joint Transportation Committee at the first  
6 quarterly meeting of each year. All comments and input from  
7 members of the Joint Transportation Committee shall be  
8 delivered to the Transportation Department within 30 days of  
9 the first quarterly meeting to allow consideration by the  
10 Transportation Department prior to publishing.

11 ~~"(5) The Transportation Department shall prepare and~~  
12 ~~submit for review by the Joint Transportation Committee a~~  
13 ~~long-range plan for the Department at the first quarterly~~  
14 ~~meeting of the year. The plan shall include a narrative of the~~  
15 ~~condition of the Transportation Department as well as forward~~  
16 ~~looking challenges and opportunities. The intent of this~~  
17 ~~requirement is to allow the Joint Transportation Committee to~~  
18 ~~assist in avoiding future problems and challenges and to~~  
19 ~~assist in the development of goals for the Transportation~~  
20 ~~Department. This plan may be incorporated into the Annual~~  
21 ~~Report as required by Section 23-1-35, Code of Alabama 1975 or~~  
22 ~~be prepared as a separate document.~~

23 "(5) The Transportation Department shall prepare and  
24 submit for review by the Joint Transportation Committee a  
25 comprehensive plan for the Department utilizing objective  
26 prioritization criteria consistent with the factors described  
27 in subdivision (11) at the first quarterly meeting of the

1 year. The plan shall include a narrative of the condition of  
2 the Transportation Department as well as forward looking  
3 challenges and opportunities. The intent of this requirement  
4 is to allow the Joint Transportation Committee to assist in  
5 avoiding future problems and challenges and to assist in the  
6 development of goals for the Transportation Department. This  
7 plan may be incorporated into the Annual Report as required by  
8 Section 23-1-35, Code of Alabama 1975 or be prepared as a  
9 separate document."

10 ~~"(4) (6)~~ It shall issue a report to the Governor,  
11 Lieutenant Governor, House of Representatives, and Senate, ~~and~~  
12 ~~public~~ within 30 days of the first quarterly meeting ~~the first~~  
13 ~~10 legislative days of each annual regular legislative~~  
14 ~~session,~~ comparing actual performance of the ~~Department of~~  
15 Transportation Department in terms of highway construction,  
16 maintenance, and costs of the same, to the original plan for  
17 the immediate preceding fiscal year as well as the five  
18 preceding fiscal years. It shall also make this report  
19 available to the public within forty (40) days of the first  
20 quarterly meeting.

21 ~~"(5) (7)~~ It shall recommend to the Governor  
22 necessary funding for ~~Department of~~ future Transportation  
23 Department budgets to the extent necessary beyond funds  
24 already provided by law.

25 ~~"(6) (8)~~ It may retain the services of ~~outside~~  
26 consultants, if necessary, and consult with other groups and  
27 individuals, including public interest groups, interested

1 individuals, and appropriate ~~departments of the University of~~  
2 ~~Alabama, Auburn University, and other~~ state educational  
3 institutions.

4 ~~"(7)~~ (9) It may hold public hearings, shall make  
5 diligent inquiry and a full examination of the long-range  
6 future highway needs of the state, and shall file all reports  
7 of its findings and recommendations with both houses of the  
8 Legislature and with the Governor.

9 ~~"(8)~~ (10) It may call witnesses and do all things  
10 necessary or convenient in connection with and all things  
11 incidental to performance of the foregoing duties and powers.

12 ~~"(9)~~ (11) In performing its functions, the Joint  
13 Transportation Committee shall take into consideration, in  
14 ~~determining~~ reviewing plans for highway construction and  
15 maintenance, among other factors all of the following:

16 "a. Commuter benefits in the form of direct savings  
17 to working men and women traveling to and from their jobs in  
18 the state;i

19 "b. Industrial and agricultural growth;i

20 "c. Transportation safety;i

21 "d. Ecological impacts of transportation projects;i

22 "e. Recreation and tourism;i

23 "f. Traffic density;i

24 "g. Implications on the routing of school buses;

25 "h. Implications on the operation of public safety  
26 and first responder vehicles; and

1                   "i. Priority to projects in a location with an  
2 independent local assessment.

3                   "§29-2-6.

4                   ~~"The Department of Transportation Department~~ shall  
5 cooperate with the Joint Transportation Committee and shall  
6 prepare or cause to be prepared and furnished to the Joint  
7 Transportation Committee, by ~~July 1~~ the third quarterly  
8 meeting of each year, the current long-range five-year  
9 ~~federal-aid highway plan, STIP~~ for proposed highway  
10 construction and any other reports, disclosures, information,  
11 or data requested by Joint Transportation Committee. ~~and the~~  
12 ~~Department of Transportation's~~ The Transportation Department's  
13 proposed annual budgets, all as referred to in Section 29-2-4  
14 for the next fiscal year shall be prepared and furnished to  
15 the Joint Transportation Committee by the last quarterly  
16 meeting of each year. ~~The Department of Transportation~~  
17 ~~Department~~ shall ~~include in its current annual work program~~  
18 ~~sufficient projects to insure the complete utilization of all~~  
19 ~~federal and state funds.~~ It shall make available the books and  
20 records of the ~~Department of Transportation Department~~  
21 necessary for the Joint Transportation Committee to perform  
22 its functions and shall report to it quarterly on the  
23 performance of the ~~Department of Transportation Department~~ for  
24 the preceding fiscal quarter of the state and its proposed  
25 projects and plans for the current fiscal year thereof. The  
26 Transportation Department shall maintain the STIP in  
27 accordance with requirements set forth by the Federal Highway

1 Administration. Additionally, the Transportation Department  
2 shall include narrative language for each project in the STIP  
3 describing in detail the scope of the project and the reasons  
4 for its placement in the STIP. Whenever the plan is amended  
5 for any reason, the Transportation Department shall, within  
6 seven calendar days of such amendment: (1) update the ALDOT  
7 website to disclose the change(s) made to the plan and (2)  
8 notify, in writing, the chair of the Joint Transportation  
9 Committee of the change(s) made together with appropriate  
10 explanation of the change(s). Upon written request from the  
11 chair of the Joint Transportation Committee, the  
12 Transportation Department shall provide copies of the notice  
13 to all members of the Joint Transportation Committee.

14 "§29-2-8.

15 "All bills originating in either house pertaining to  
16 ~~highway projects~~ transportation under the jurisdiction of the  
17 ~~Department of Transportation Department~~, its budget, and all  
18 other matters of highway planning, construction, ~~modification,~~  
19 maintenance, operation, or administration shall be ~~referred to~~  
20 reviewed by the Joint Transportation Committee for its  
21 recommendations ~~and approval~~, which recommendations ~~and~~  
22 ~~approval~~ shall be given due consideration by the committees of  
23 each house of the Legislature in acting on any related  
24 legislation. Absent a recommendation from the Joint  
25 Transportation Committee, said committees shall proceed with  
26 their consideration of legislation."

1                   Section 2. Section 2. This act shall become  
2                   effective immediately following its passage and approval by  
3                   the Governor, or upon its otherwise becoming a law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Transportation,  
Utilities and Infrastructure ..... 06-MAR-19

Read for the second time and placed  
on the calendar..... 07-MAR-19

Read for the third time and passed  
as amended..... 08-MAR-19

Yeas 103, Nays 0, Abstains 0

Jeff Woodard  
Clerk