

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

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8 SYNOPSIS: This bill amends certain sections of the  
9 Code of Alabama 1975, which provide for the  
10 creation of a permanent joint transportation  
11 standing committee that reviews the long-range plan  
12 and the budgets of the Alabama Department of  
13 Transportation.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to the Permanent Joint Transportation  
20 Committee; to amend 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; to provide for  
22 technical corrections concerning the duties of the committee  
23 as it relates to the Alabama Department of Transportation  
24 long-range plan; to increase the number of members of the  
25 Committee and specify their residency requirements; to provide  
26 clarification of the long-range plan; and to provide  
27 clarification of the Alabama Department of Transportation's

1 duties and information requirements to the Committee relating  
2 to the long-range plan.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4,  
5 29-2-6, and 29-2-8, Code of Alabama 1975, are amended to read  
6 as follows:

7 "§29-2-1.

8 "The Legislature hereby finds and declares as  
9 follows: A long-range program of highway development and  
10 maintenance in Alabama (herein ~~called~~ "the state") is vital to  
11 the safety of the traveling public as well as the industrial  
12 and agricultural growth ~~and to the present and future~~  
13 ~~well-being of the citizens~~ of the state; the highway system in  
14 the state must be adequate to meet ~~such~~ expanding needs; ~~the~~  
15 highway construction, ~~modification,~~ maintenance, and  
16 administration to support such a system ~~must~~ should include  
17 long-range planning, soundness in scope of the highway  
18 program, efficient performance, and fiscal responsibility in  
19 both policy and planning; the use ~~enactment~~ of a long-range  
20 highway program will further the judicious expenditure of  
21 highway funds, will promote the public safety and convenience  
22 ~~and public safety,~~ will enhance public confidence in the  
23 responsible expenditure of public funds, and will result in  
24 tangible benefits to the public by providing a sound program  
25 to facilitate vehicular traffic and safety; such a long-range  
26 program will establish continuity in highway construction,  
27 modification, and maintenance programs, thereby enabling the

1 ~~State of~~ Alabama Department of Transportation (herein called  
2 "ALDOT" or "the Transportation Department") to operate at  
3 maximum efficiency with ~~a~~ greater returns in highway benefits  
4 for the amount of public funds expended; ~~all~~ citizens and  
5 ~~interested parties~~ should be aware of how ~~their~~ highway  
6 ~~dollars~~ funds will be expended ~~well~~ as far in advance of ~~such~~  
7 the actual expenditures as possible; ~~and~~ because changing of  
8 routes affect people's travel times and patterns as well as  
9 property values, all plans for such changes should be  
10 transparent and made known ~~to all citizens simultaneously~~ well  
11 in advance of their implementation; ~~such a long-range program~~  
12 ~~requires advance consideration of priority of highway~~  
13 ~~construction and modification projects and of adequate budgets~~  
14 ~~for highway construction, modification, maintenance, and~~  
15 ~~administration~~ achieving an appropriate balance in highway  
16 decision making is an important goal; ~~and, to the foregoing~~  
17 ~~ends, it is desirable to create a permanent joint~~  
18 ~~transportation committee of the Legislature which will develop~~  
19 ~~expertise pertaining to highway matters within both~~  
20 ~~legislative bodies and which will insure geographical balance~~  
21 ~~in highway decision making~~ the development of highway plans  
22 and budgets for their implementation is a primary  
23 responsibility of the Transportation Department working under  
24 the direction of the Governor; appropriate legislative  
25 oversight procedures are necessary to fulfill the goals set  
26 forth above; a Joint Transportation Committee of the  
27 Legislature will develop expertise pertaining to highway

1 matters within both legislative bodies and will contribute  
2 actively to the Legislature's deliberations with respect to  
3 highway funding and plans; and now therefore, the creation of  
4 such Joint Transportation Committee is appropriate and  
5 desirable.

6 ~~This article shall be liberally construed in order~~  
7 ~~to effect the purposes.~~

8 "§29-2-2.

9 "(a) There is hereby created a continuing permanent  
10 joint transportation committee of the Legislature to be known  
11 as the "Joint Transportation Committee." The committee shall  
12 consist of ~~seven~~ twelve members of the Senate appointed by the  
13 President of the Senate and ~~seven~~ twelve members of the House  
14 of Representatives appointed by the Speaker of the House of  
15 Representatives, one senator and one house member to be a  
16 resident of each present United States congressional district  
17 in the state and one senator and one house member to be a  
18 resident of each Alabama Department of Transportation region.  
19 Of the total membership, a minimum of two members shall be  
20 from the Minority party.

21 "(b) The members that reside in the Alabama  
22 Department of Transportation regions ~~Members~~ of the Joint  
23 Transportation Committee shall be appointed within thirty days  
24 of the effective date of this act; in subsequent years,  
25 members of the Joint Transportation Committee shall be  
26 appointed within five legislative days after the convening of  
27 the first regular session after the election of each

1 Legislature. Members shall hold office during their terms as  
2 legislators and until their successors are appointed.  
3 Vacancies shall be filled by appointment by the respective  
4 presiding officer. Appointees shall be ~~residents of the~~  
5 ~~congressional district where the vacancy exists~~ made to  
6 fulfill the residency requirements outlined above.

7 "(c) The appointing authorities shall coordinate  
8 their appointments to assure the committee membership is  
9 inclusive and reflects the racial, gender, geographic, urban,  
10 rural, and economic diversity of the state.

11 "§29-2-3.

12 ~~"Within 10 days after members of the Joint~~  
13 ~~Transportation Committee are appointed as provided in this~~  
14 ~~article, the committee shall convene at a place and time~~  
15 ~~designated by the President of the Senate in written notice~~  
16 ~~given to each member at least five days in advance or without~~  
17 ~~notice upon unanimous consent of the members of the Joint~~  
18 ~~Transportation Committee~~ The Joint Transportation Committee  
19 shall meet the fourth Wednesday of January, April, July, and  
20 October at 1:30 PM at the Alabama State House. At the second  
21 quarterly meeting of each year, and at the initial meeting  
22 during each session of the Legislature, the Joint  
23 Transportation Committee shall elect from its membership a  
24 chair and vice-chair which shall rotate between members from  
25 the House and Senate. Special meetings of the Joint  
26 Transportation Committee may be called by the chair by giving  
27 members of the committee 14 days notice when the Legislature

1 is out of session, and 24 hours notice if a meeting is called  
2 on a legislative day or legislative committee day. Special  
3 meetings may also be called by petition of a majority of the  
4 members of the committee that includes the date and time of  
5 the meeting and all members are given 24 hours notice. The  
6 ~~Joint Transportation Committee shall meet, at the request of~~  
7 ~~its chair or as its members shall determine, in both cases~~  
8 ~~upon written notice at least five days in advance or without~~  
9 ~~notice upon unanimous consent of its membership; provided,~~  
10 ~~that the committee shall meet at least once each three months.~~  
11 Decisions of the Joint Transportation Committee may be made by  
12 a majority of the members present and voting at any properly  
13 convened meeting as long as a quorum is in attendance. A  
14 quorum shall consist of any ~~eight~~ thirteen members. If less  
15 than a quorum is present at any meeting the recommendations  
16 presented by ALDOT shall be deemed approved. ~~or any~~  
17 ~~adjournment thereof, those members who are present may adjourn~~  
18 ~~the meeting from time to time and a majority vote of the~~  
19 ~~members present shall be sufficient, without any notice other~~  
20 ~~than by announcement at the meeting, to adjourn the meeting~~  
21 ~~from time to time until a quorum is in attendance. At any~~  
22 ~~adjourned meeting, any business may be transacted that might~~  
23 ~~have been transacted at the meeting as originally called~~  
24 Should any member be absent from two meetings of the four  
25 quarterly meetings during any calendar year, they shall be  
26 deemed to have forfeited their position and a replacement  
27 shall be appointed by the respective appointing authority as

1 outlined herein. Upon the request of the Chair, the Secretary  
2 of the Senate and the Clerk of the House shall provide  
3 clerical assistance as the committee requires.

4 "§29-2-4.

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

7 "(1) It shall review ~~and concur in a~~ and shall  
8 consider concurring with the long-range plan of the  
9 Transportation Department as such plan exists at the date of  
10 the meeting called for the purpose of reviewing the plan. The  
11 "long-range plan" referred to herein is the Statewide  
12 Transportation Improvement Program (STIP) maintained by ALDOT  
13 for the purpose of complying with requirements of the Federal  
14 Highway Administration, which plan is amended multiple times  
15 each year for administrative as well as substantive reasons,  
16 and which plan shall be constantly available on the ALDOT  
17 website. A member of the Committee may propose an amendment to  
18 the STIP provided that the proposed amendment is delivered in  
19 writing to the Transportation Department by the close of  
20 business of the fourth Wednesday after the draft plan is  
21 presented to the Committee. The proposed amendment shall be  
22 fiscally constrained within the funding category shown in the  
23 draft STIP. The Department shall prepare the amendment and  
24 deliver to each member of the Committee no later than the  
25 fourth Wednesday of the month prior to the next quarterly  
26 meeting. Should the Committee, by majority vote, accept the  
27 proposed amendment, the amendment shall be delivered by the



1 Chair of the Committee to the Governor for consideration of  
2 changing the STIP as presented by the Transportation  
3 Department.~~(five-year) federal-aid highway plan for proposed~~  
4 ~~highway construction of all highways on the state highway~~  
5 ~~system, which long-range plan shall commence with the fiscal~~  
6 ~~year of the state beginning October 1, 1989. Prior to any~~  
7 ~~deviation from the intent of the five-year plan, the Joint~~  
8 ~~Transportation Committee shall review and concur in the~~  
9 ~~deviation, except commitments for highway projects necessary~~  
10 ~~for new or expanded industry. Commitments for these industry~~  
11 ~~projects shall be included in the next quarterly report by the~~  
12 ~~Department of Transportation. The plan shall be updated~~  
13 ~~annually. The plans in appropriate form shall be made~~  
14 ~~available to all government agencies and all members of the~~  
15 ~~public and news media.~~

16           "(2) The update of the Transportation Department's  
17 annual fund allocation plan shall be presented to the Joint  
18 Transportation Committee at the third quarterly meeting of  
19 each year. The review and consideration of concurrence in the  
20 annual update of the five-year highway plan shall be  
21 accomplished by the Joint Transportation Committee prior to  
22 September 1 no later than the last quarterly meeting of each  
23 year. Failure of the Joint Transportation Committee to concur  
24 in the annual update will not prevent the Department of  
25 Transportation Department from proceeding with any project.

26           "(3) The Transportation Department's requested  
27 budget for the following fiscal year shall be presented to the

1 Joint Transportation Committee at the last quarterly meeting  
2 of the year. It shall review the budget for highway  
3 construction, maintenance, operation, and administration of  
4 the Department of Transportation proposed by the  
5 Transportation Department on an annual basis, which budget  
6 review shall be reviewed completed not later than the  
7 fifteenth legislative day of each annual session of the  
8 Legislature first quarterly meeting of each year. The Joint  
9 Transportation Committee shall report on the budget requests  
10 of the Transportation Department to the House Ways and Means  
11 General Fund Committee and the Senate Finance and Taxation  
12 General Fund Committee and may make recommendations about the  
13 budget to the committees.

14 "(4) An in-progress draft of the Annual Report  
15 outlined in Section 23-1-35, Code of Alabama 1975 shall be  
16 presented to the Joint Transportation Committee at the first  
17 quarterly meeting of each year. All comments and input from  
18 members of the Joint Transportation Committee shall be  
19 delivered to the Transportation Department within 30 days of  
20 the first quarterly meeting to allow consideration by the  
21 Transportation Department prior to publishing.

22 "(5) The Transportation Department shall prepare and  
23 submit for review by the Joint Transportation Committee a  
24 long-range plan for the Department at the first quarterly  
25 meeting of the year. The plan shall include a narrative of the  
26 condition of the Transportation Department as well as forward  
27 looking challenges and opportunities. The intent of this

1 requirement is to allow the Joint Transportation Committee to  
2 assist in avoiding future problems and challenges and to  
3 assist in the development of goals for the Transportation  
4 Department. This plan may be incorporated into the Annual  
5 Report as required by Section 23-1-35, Code of Alabama 1975 or  
6 be prepared as a separate document.

7 ~~"(4)~~ (6) It shall issue a report to the Governor,  
8 Lieutenant Governor, House of Representatives, and Senate, ~~and~~  
9 ~~public~~ within 30 days of the first quarterly meeting ~~the first~~  
10 ~~10 legislative days of each annual regular legislative~~  
11 ~~session,~~ comparing actual performance of the ~~Department of~~  
12 Transportation Department in terms of highway construction,  
13 maintenance, and costs of the same, to the original plan for  
14 the immediate preceding fiscal year as well as the five  
15 preceding fiscal years. It shall also make this report  
16 available to the public within forty (40) days of the first  
17 quarterly meeting.

18 ~~"(5)~~ (7) It shall recommend to the Governor  
19 necessary funding for ~~Department of~~ future Transportation  
20 Department budgets to the extent necessary beyond funds  
21 already provided by law.

22 ~~"(6)~~ (8) It may retain the services of ~~outside~~  
23 consultants, if necessary, and consult with other groups and  
24 individuals, including public interest groups, interested  
25 individuals, and appropriate ~~departments of the University of~~  
26 ~~Alabama, Auburn University, and other~~ state educational  
27 institutions.

1           "~~(7)~~ (9) It may hold public hearings, shall make  
2 diligent inquiry and a full examination of the long-range  
3 future highway needs of the state, and shall file all reports  
4 of its findings and recommendations with both houses of the  
5 Legislature and with the Governor.

6           "~~(8)~~ (10) It may call witnesses and do all things  
7 necessary or convenient in connection with and all things  
8 incidental to performance of the foregoing duties and powers.

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

13           "a. Commuter benefits in the form of direct savings  
14 to working men and women traveling to and from their jobs in  
15 the state~~;~~;

16           "b. Industrial and agricultural growth~~;~~;

17           "c. Transportation safety~~;~~;

18           "d. Ecological impacts of transportation projects~~;~~;

19           "e. Recreation and tourism~~;~~;

20           "f. Traffic density~~;~~;

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

22           "h. Implications on the operation of public safety  
23 and first responder vehicles; and

24           "i. Priority to projects in a location with an  
25 independent local assessment.

26           "§29-2-6.

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

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

11 "§29-2-8.

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

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