HB1

197475-4

By Representative Poole

RFD: Transportation, Utilities and Infrastructure

First Read: 06-MAR-19
SYNOPSIS: This bill amends certain sections of the Code of Alabama 1975, which provide for the creation of a permanent joint transportation standing committee that reviews the long-range plan and the budgets of the Alabama Department of Transportation.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Permanent Joint Transportation Committee; to amend Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4, 29-2-6, and 29-2-8, Code of Alabama 1975; to provide for technical corrections concerning the duties of the committee as it relates to the Alabama Department of Transportation long-range plan; to increase the number of members of the Committee and specify their residency requirements; to provide clarification of the long-range plan; and to provide clarification of the Alabama Department of Transportation's
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§29-2-1.

"The Legislature hereby finds and declares as follows: A long-range program of highway development and maintenance in Alabama (herein called "the state") is vital to the safety of the traveling public as well as the industrial and agricultural growth and to the present and future well being of the citizens of the state; the highway system in the state must be adequate to meet such expanding needs; the highway construction, modification, maintenance, and administration to support such a system must should include long-range planning, soundness in scope of the highway program, efficient performance, and fiscal responsibility in both policy and planning; the use enactment of a long-range highway program will further the judicious expenditure of highway funds, will promote the public safety and convenience and public safety, will enhance public confidence in the responsible expenditure of public funds, and will result in tangible benefits to the public by providing a sound program to facilitate vehicular traffic and safety; such a long-range program will establish continuity in highway construction, modification, and maintenance programs, thereby enabling the
State of Alabama Department of Transportation (herein called "ALDOT" or "the Transportation Department") to operate at maximum efficiency with a greater return in highway benefits for the amount of public funds expended; all citizens and interested parties should be aware of how their highway dollars funds will be expended well as far in advance of such the actual expenditures as possible; and, because changing of routes affect people's travel times and patterns as well as property values, all plans for such changes should be transparent and made known to all citizens simultaneously well in advance of their implementation; such a long-range program requires advance consideration of priority of highway construction and modification projects and of adequate budgets for highway construction, modification, maintenance, and administration achieving an appropriate balance in highway decision making is an important goal; and, to the foregoing ends, it is desirable to create a permanent joint transportation committee of the Legislature which will develop expertise pertaining to highway matters within both legislative bodies and which will insure geographical balance in highway decision making the development of highway plans and budgets for their implementation is a primary responsibility of the Transportation Department working under the direction of the Governor; appropriate legislative oversight procedures are necessary to fulfill the goals set forth above; a Joint Transportation Committee of the Legislature will develop expertise pertaining to highway
matters within both legislative bodies and will contribute actively to the Legislature's deliberations with respect to highway funding and plans; and now therefore, the creation of such Joint Transportation Committee is appropriate and desirable.

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

§29-2-2.

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

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

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

"§29-2-3.

"Within 10 days after members of the Joint Transportation Committee are appointed as provided in this article, the committee shall convene at a place and time designated by the President of the Senate in written notice given to each member at least five days in advance or without notice upon unanimous consent of the members of the Joint Transportation Committee. The Joint Transportation Committee shall meet the fourth Wednesday of January, April, July, and October at 1:30 PM at the Alabama State House. At the second quarterly meeting of each year, and at the initial meeting during each session of the Legislature, the Joint Transportation Committee shall elect from its membership a chair and vice-chair which shall rotate between members from the House and Senate. Special meetings of the Joint Transportation Committee may be called by the chair by giving members of the committee 14 days notice when the Legislature
is out of session, and 24 hours notice if a meeting is called on a legislative day or legislative committee day. Special meetings may also be called by petition of a majority of the members of the committee that includes the date and time of the meeting and all members are given 24 hours notice. The Joint Transportation Committee shall meet, at the request of its chair or as its members shall determine, in both cases upon written notice at least five days in advance or without notice upon unanimous consent of its membership; provided, that the committee shall meet at least once each three months. Decisions of the Joint Transportation Committee may be made by a majority of the members present and voting at any properly convened meeting as long as a quorum is in attendance. A quorum shall consist of any eight thirteen members. If less than a quorum is present at any meeting the recommendations presented by ALDOT shall be deemed approved. or any adjournment thereof, those members who are present may adjourn the meeting from time to time and a majority vote of the members present shall be sufficient, without any notice other than by announcement at the meeting, to adjourn the meeting from time to time until a quorum is in attendance. At any adjourned meeting, any business may be transacted that might have been transacted at the meeting as originally called. Should any member be absent from two meetings of the four quarterly meetings during any calendar year, they shall be deemed to have forfeited their position and a replacement shall be appointed by the respective appointing authority as
outlined herein. Upon the request of the Chair, the Secretary
of the Senate and the Clerk of the House shall provide
clerical assistance as the committee requires.

"§29-2-4.

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

"(1) It shall review and concur in a and shall
consider concurring with the long-range plan of the
Transportation Department as such plan exists at the date of
the meeting called for the purpose of reviewing the plan. The
"long-range plan" referred to herein is the Statewide
Transportation Improvement Program (STIP) maintained by ALDOT
for the purpose of complying with requirements of the Federal
Highway Administration, which plan is amended multiple times
each year for administrative as well as substantive reasons,
and which plan shall be constantly available on the ALDOT
website. A member of the Committee may propose an amendment to
the STIP provided that the proposed amendment is delivered in
writing to the Transportation Department by the close of
business of the fourth Wednesday after the draft plan is
presented to the Committee. The proposed amendment shall be
fiscally constrained within the funding category shown in the
draft STIP. The Department shall prepare the amendment and
deliver to each member of the Committee no later than the
fourth Wednesday of the month prior to the next quarterly
meeting. Should the Committee, by majority vote, accept the
proposed amendment, the amendment shall be delivered by the
Chair of the Committee to the Governor for consideration of changing the STIP as presented by the Transportation Department. (five-year) federal-aid highway plan for proposed highway construction of all highways on the state highway system, which long-range plan shall commence with the fiscal year of the state beginning October 1, 1989. Prior to any deviation from the intent of the five-year plan, the Joint Transportation Committee shall review and concur in the deviation, except commitments for highway projects necessary for new or expanded industry. Commitments for these industry projects shall be included in the next quarterly report by the Department of Transportation. The plan shall be updated annually. The plans in appropriate form shall be made available to all government agencies and all members of the public and news media.

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

"(3) The Transportation Department's requested budget for the following fiscal year shall be presented to the
Joint Transportation Committee at the last quarterly meeting of the year. It shall review the budget for highway construction, maintenance, operation, and administration of the Department of Transportation proposed by the Transportation Department on an annual basis, which budget review shall be completed not later than the fifteenth legislative day of each annual session of the Legislature first quarterly meeting of each year. The Joint Transportation Committee shall report on the budget requests of the Transportation Department to the House Ways and Means General Fund Committee and the Senate Finance and Taxation General Fund Committee and may make recommendations about the budget to the committees.

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

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

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

"(5) (7) It shall recommend to the Governor
necessary funding for transportation Department budgets to the extent necessary beyond funds
already provided by law.

"(6) (8) It may retain the services of outside
consultants, if necessary, and consult with other groups and
individuals, including public interest groups, interested
individuals, and appropriate departments of the University of
Alabama, Auburn University, and other state educational
institutions.
(9) It may hold public hearings, shall make diligent inquiry and a full examination of the long-range future highway needs of the state, and shall file all reports of its findings and recommendations with both houses of the Legislature and with the Governor.

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

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

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

b. Industrial and agricultural growth;

c. Transportation safety;

d. Ecological impacts of transportation projects;

e. Recreation and tourism;

f. Traffic density;

g. Implications on the routing of school buses; and

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

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

§29-2-6.
"The Department of Transportation Department shall cooperate with the Joint Transportation Committee and shall prepare or cause to be prepared and furnished to the Joint Transportation Committee, by July 1 the third quarterly meeting of each year, the current long-range five-year federal-aid highway plan, STIP for proposed highway construction and any other reports, disclosures, information, or data requested by Joint Transportation Committee, and the Department of Transportation's The Transportation Department's proposed annual budgets, all as referred to in Section 29-2-4 for the next fiscal year shall be prepared and furnished to the Joint Transportation Committee by the last quarterly meeting of each year. The Department of Transportation Department shall include in its current annual work program sufficient projects to insure the complete utilization of all federal and state funds. It shall make available the books and records of the Department of Transportation Department necessary for the Joint Transportation Committee to perform its functions and shall report to it quarterly on the performance of the Department of Transportation Department for the preceding fiscal quarter of the state and its proposed projects and plans for the current fiscal year thereof. The Transportation Department shall maintain the STIP in accordance with requirements set forth by the Federal Highway Administration. Additionally, the Transportation Department shall include narrative language for each project in the STIP describing in detail the scope of the project and the reasons
for its placement in the STIP. Whenever the plan is amended for any reason, the Transportation Department shall, within seven calendar days of such amendment: (1) update the ALDOT website to disclose the change(s) made to the plan and (2) notify, in writing, the chair of the Joint Transportation Committee of the change(s) made together with appropriate explanation of the change(s). Upon written request from the chair of the Joint Transportation Committee, the Transportation Department shall provide copies of the notice to all members of the Joint Transportation Committee.

"§29-2-8.

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

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