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3 CHAMBLISS FLOOR SUBSTITUTE FOR SB2

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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~~ Appointments shall be ~~residents~~  
5 ~~of the congressional district where the vacancy exists~~ made in  
6 compliance with the residency requirements established by this  
7 act.

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

12 "§29-2-3.

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

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

1 shall be appointed by the respective appointing authority as  
2 outlined herein. Upon the request of the Chair, the Secretary  
3 of the Senate and the Clerk of the House shall provide  
4 clerical assistance as the committee requires.

5 "§29-2-4.

6 "(a) On or before January 31 of each year, any  
7 county or city required to report local motor fuel excise tax  
8 rate information to the Department of Revenue pursuant to Act  
9 1998-192 shall provide a similar report to the department  
10 regarding the total amount of local motor fuel excise tax  
11 revenues collected by the county or city for the immediately  
12 preceding fiscal year and the total amount of the revenues  
13 expended on road and bridge maintenance and improvement during  
14 that same fiscal year. The department shall collect the  
15 information and deliver a report to the Joint Transportation  
16 Committee on or before March 31 of each year.

17 "(b) The powers and duties of the Joint  
18 Transportation Committee shall be ~~the following~~ as follows:

19 "(1) It shall review ~~and concur in a~~ and shall  
20 consider concurring with the long-range plan of the  
21 Transportation Department as such plan exists at the date of  
22 the meeting called for the purpose of reviewing the plan. The  
23 "long-range plan" referred to herein is the Statewide  
24 Transportation Improvement Program (STIP) maintained by ALDOT  
25 for the purpose of complying with requirements of the Federal  
26 Highway Administration, which plan is amended multiple times  
27 each year for administrative as well as substantive reasons,

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



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

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

26           "(4) An in-progress draft of the Annual Report  
27 outlined in Section 23-1-35, Code of Alabama 1975 shall be

1 presented to the Joint Transportation Committee at the first  
2 quarterly meeting of each year. All comments and input from  
3 members of the Joint Transportation Committee shall be  
4 delivered to the Transportation Department within 30 days of  
5 the first quarterly meeting to allow consideration by the  
6 Transportation Department prior to publishing.

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

21 ~~"(4)~~ (6) It shall issue a report to the Governor,  
22 Lieutenant Governor, House of Representatives, and Senate, ~~and~~  
23 ~~public~~ within 30 days of the first quarterly meeting ~~the first~~  
24 ~~10 legislative days of each annual regular legislative~~  
25 ~~session,~~ comparing actual performance of the ~~Department of~~  
26 Transportation Department in terms of highway construction,  
27 maintenance, and costs of the same, to the original plan for

1 the immediate preceding fiscal year as well as the five  
2 preceding fiscal years. It shall also make this report  
3 available to the public within forty (40) days of the first  
4 quarterly meeting.

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

9 "~~(6)~~ (8) It may retain the services of ~~outside~~  
10 consultants, if necessary, and consult with other groups and  
11 individuals, including public interest groups, interested  
12 individuals, and appropriate ~~departments of the University of~~  
13 ~~Alabama, Auburn University, and other~~ state educational  
14 institutions.

15 "~~(7)~~ (9) It may hold public hearings, shall make  
16 diligent inquiry and a full examination of the long-range  
17 future highway needs of the state, and shall file all reports  
18 of its findings and recommendations with both houses of the  
19 Legislature and with the Governor.

20 "~~(8)~~ (10) It may call witnesses and do all things  
21 necessary or convenient in connection with and all things  
22 incidental to performance of the foregoing duties and powers.

23 "~~(9)~~ (11) In performing its functions, the Joint  
24 Transportation Committee shall take into consideration, in  
25 ~~determining~~ reviewing plans for highway construction and  
26 maintenance, among other factors all of the following:

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

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

5 "c. Transportation safety~~;~~;

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

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

8 "f. Traffic density~~;~~;

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

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

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

14 "§29-2-6.

15 "The ~~Department of~~ Transportation Department shall  
16 cooperate with the Joint Transportation Committee and shall  
17 prepare or cause to be prepared and furnished to the Joint  
18 Transportation Committee, by ~~July 1~~ the third quarterly  
19 meeting of each year, the current long-range five-year  
20 federal-aid highway plan, STIP for proposed highway  
21 construction and any other reports, disclosures, information,  
22 or data requested by Joint Transportation Committee. and the  
23 Department of Transportation's The Transportation Department's  
24 proposed annual budgets, all as referred to in Section 29-2-4  
25 for the next fiscal year shall be prepared and furnished to  
26 the Joint Transportation Committee by the last quarterly  
27 meeting of each year. The ~~Department of~~ Transportation

1 ~~Department~~ shall ~~include in its current annual work program~~  
2 ~~sufficient projects to insure the complete utilization of all~~  
3 ~~federal and state funds. It shall~~ make available the books and  
4 records of the ~~Department of~~ Transportation Department  
5 necessary for the Joint Transportation Committee to perform  
6 its functions and shall report to it quarterly on the  
7 performance of the ~~Department of~~ Transportation Department for  
8 the preceding fiscal quarter of the state and its proposed  
9 projects and plans for the current fiscal year thereof. The  
10 Transportation Department shall maintain the STIP in  
11 accordance with requirements set forth by the Federal Highway  
12 Administration. Additionally, the Transportation Department  
13 shall include narrative language for each project in the STIP  
14 describing in detail the scope of the project and the reasons  
15 for its placement in the STIP. Whenever the plan is amended  
16 for any reason, the Transportation Department shall, within  
17 seven calendar days of such amendment: (1) update the ALDOT  
18 website to disclose the change(s) made to the plan and (2)  
19 notify, in writing, the chair of the Joint Transportation  
20 Committee of the change(s) made together with appropriate  
21 explanation of the change(s). Upon written request from the  
22 chair of the Joint Transportation Committee, the  
23 Transportation Department shall provide copies of the notice  
24 to all members of the Joint Transportation Committee.

25 "§29-2-8.

26 "All bills originating in either house pertaining to  
27 ~~highway projects~~ transportation under the jurisdiction of the

1 ~~Department of~~ Transportation Department, its budget, and all  
2 other matters of highway planning, construction, ~~modification,~~  
3 maintenance, operation, or administration shall be ~~referred to~~  
4 reviewed by the Joint Transportation Committee for its  
5 recommendations ~~and approval~~, which recommendations ~~and~~  
6 ~~approval~~ shall be given due consideration by the committees of  
7 each house of the Legislature in acting on any related  
8 legislation. Absent a recommendation from the Joint  
9 Transportation Committee, said committees shall proceed with  
10 their consideration of legislation."

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