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3 CHAMBLISS SUBSTITUTE FOR HB1
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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~~ improving the efficiency, cost effectiveness and
10 performance of all branches of government can only be achieved
11 with proper oversight, accountability and transparency in
12 government decision making and processes for service delivery;
13 a long-range program of highway development and maintenance in
14 Alabama (herein ~~called~~ "the state") is vital to the safety of
15 the traveling public as well as the industrial and
16 agricultural growth and to the present and future well-being
17 of the citizens of the state; the highway system in the state
18 must be adequate to meet ~~such~~ expanding needs; ~~the~~ highway
19 construction, ~~modification,~~ maintenance, and administration to
20 support such a system ~~must~~ should include long-range planning,
21 soundness in scope of the highway program, efficient
22 performance, and fiscal responsibility in both policy and
23 planning; the use ~~enactment~~ of a long-range highway program
24 will further the judicious expenditure of highway funds, will
25 promote the public safety and convenience ~~and public safety,~~
26 will enhance public confidence in the responsible expenditure
27 of public funds, and will result in tangible benefits to the

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

1 Governor; effective highway state plans are well organized
2 with defined processes for identifying all potential sources
3 of innovation, including by not limited to, broad stakeholder
4 engagement and partnerships, shared performance metrics and
5 evidenced-based practices, adoption of the most cost effective
6 technology in materials and components of road and bridge
7 construction, and cost effective and efficient organizational
8 structures and operations; appropriate legislative oversight
9 procedures are necessary to fulfill the goals set forth above;
10 a Joint Transportation Committee of the Legislature will
11 develop expertise pertaining to highway matters within both
12 legislative bodies and will contribute actively to the
13 Legislature's deliberations with respect to highway funding
14 and plans; expertise pertaining to such highway matters may be
15 developed by evaluating best practices utilized in other
16 states to maintain efficient and effective transportation
17 projects and operations; a Joint Transportation Committee will
18 insure that ALDOT operations and road or bridge construction
19 projects are analyzed for efficiency and effectiveness; and
20 now therefore, the creation of such Joint Transportation
21 Committee is appropriate and 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~~ Appointments shall be ~~residents~~
21 ~~of the congressional district where the vacancy exists~~ made in
22 compliance with the residency requirements established by this
23 act.

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

1 "§29-2-3.

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

1 Decisions of the Joint Transportation Committee may be made by
2 a majority of the members present and voting at any properly
3 convened meeting as long as a quorum is in attendance. A
4 quorum shall consist of any ~~eight~~ thirteen members. If less
5 than a quorum is present at any meeting the recommendations
6 presented by ALDOT shall be deemed approved. ~~or any~~
7 ~~adjournment thereof, those members who are present may adjourn~~
8 ~~the meeting from time to time and a majority vote of the~~
9 ~~members present shall be sufficient, without any notice other~~
10 ~~than by announcement at the meeting, to adjourn the meeting~~
11 ~~from time to time until a quorum is in attendance. At any~~
12 ~~adjourned meeting, any business may be transacted that might~~
13 ~~have been transacted at the meeting as originally called~~
14 Beginning in calendar year 2020, should any member be absent
15 from two meetings of the four quarterly meetings during any
16 calendar year, they shall be deemed to have forfeited their
17 position and a replacement shall be appointed by the
18 respective appointing authority as outlined herein. Upon the
19 request of the Chair, the Secretary of the Senate and the
20 Clerk of the House shall provide clerical assistance as the
21 committee requires.

22 "§29-2-4.

23 "(a) On or before January 31 of each year, any
24 county or city required to report local motor fuel excise tax
25 rate information to the Department of Revenue pursuant to Act
26 1998-192 shall provide a similar report to the department
27 regarding the total amount of local motor fuel excise tax

1 revenues collected by the county or city for the immediately
2 preceding fiscal year and the total amount of the revenues
3 expended on road and bridge maintenance and improvement during
4 that same fiscal year. The department shall collect the
5 information and deliver a report to the Joint Transportation
6 Committee on or before March 31 of each year.

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

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

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

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

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

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

24 "(5) The Transportation Department shall prepare and
25 submit for review by the Joint Transportation Committee a
26 long-range plan for the Department utilizing objective
27 prioritization criteria consistent with the factors described

1 in subdivision (11) at the first quarterly meeting of the
2 year. The plan shall include a narrative of the condition of
3 the Transportation Department as well as forward looking
4 challenges and opportunities. The intent of this requirement
5 is to allow the Joint Transportation Committee to assist in
6 avoiding future problems and challenges and to assist in the
7 development of goals for the Transportation Department. This
8 plan may be incorporated into the Annual Report as required by
9 Section 23-1-35, Code of Alabama 1975 or be prepared as a
10 separate document.

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

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

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

1 individuals, including public interest groups, interested
2 individuals, and appropriate ~~departments of the University of~~
3 ~~Alabama, Auburn University, and other~~ state educational
4 institutions.

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

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

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

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

20 "b. Industrial and agricultural growth;;

21 "c. Transportation safety;;

22 "d. Ecological impacts of transportation projects;;

23 "e. Recreation and tourism;;

24 "f. Traffic density;;

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

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

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

3 "j. Priority to projects which provide a county with
4 its first four-lane access to an interstate.

5 "§29-2-6.

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

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

16 "(b) The Transportation Department shall cooperate
17 with the Joint Committee to undertake a study on the use of
18 Federal Highway Administration Guidelines to include Life
19 Cycle Cost Analysis and Price Adjustment Clause.

20 "§29-2-8.

21 "All bills originating in either house pertaining to
22 ~~highway projects~~ transportation under the jurisdiction of the
23 ~~Department of Transportation~~ Department, its budget, and all
24 other matters of highway planning, construction, ~~modification,~~
25 maintenance, operation, or administration shall be ~~referred to~~
26 reviewed by the Joint Transportation Committee for its
27 recommendations ~~and approval~~, which recommendations ~~and~~

1 ~~approval~~ shall be given due consideration by the committees of
2 each house of the Legislature in acting on any related
3 legislation. Absent a recommendation from the Joint
4 Transportation Committee, said committees shall proceed with
5 their consideration of legislation."

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