

1 HB1
2 197807-2
3 By Representative Poole
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 06-MAR-19

1
2 ENROLLED, An Act,

3 Relating to the Permanent Joint Transportation
4 Committee; to amend 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; to provide for
6 technical corrections concerning the duties of the committee
7 as it relates to the Alabama Department of Transportation
8 long-range plan; to increase the number of members of the
9 Committee and specify their residency requirements; to provide
10 clarification of the long-range plan; and to provide
11 clarification of the Alabama Department of Transportation's
12 duties and information requirements to the Committee relating
13 to the long-range plan.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4,
16 29-2-6, and 29-2-8, Code of Alabama 1975, are amended to read
17 as follows:

18 "§29-2-1.

19 "The Legislature hereby finds and declares as
20 follows: A improving the efficiency, cost effectiveness and
21 performance of all branches of government can only be achieved
22 with proper oversight, accountability and transparency in
23 government decision making and processes for service delivery;
24 a long-range program of highway development and maintenance in
25 Alabama (herein ~~called~~ "the state") is vital to the safety of

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

1 values, all plans for such changes should be transparent and
2 ~~made known to all citizens simultaneously~~ well in advance of
3 their implementation; such a long-range program requires
4 ~~advance consideration of priority of highway construction and~~
5 ~~modification projects and of adequate budgets for highway~~
6 ~~construction, modification, maintenance, and administration~~
7 achieving an appropriate balance in highway decision making is
8 an important goal; and, to the foregoing ends, it is desirable
9 ~~to create a permanent joint transportation committee of the~~
10 ~~Legislature which will develop expertise pertaining to highway~~
11 ~~matters within both legislative bodies and which will insure~~
12 ~~geographical balance in highway decision making the~~
13 development of highway plans and budgets for their
14 implementation is a primary responsibility of the
15 Transportation Department working under the direction of the
16 Governor; effective highway state plans are well organized
17 with defined processes for identifying all potential sources
18 of innovation, including by not limited to, broad stakeholder
19 engagement and partnerships, shared performance metrics and
20 evidenced-based practices, adoption of the most cost effective
21 technology in materials and components of road and bridge
22 construction, and cost effective and efficient organizational
23 structures and operations; appropriate legislative oversight
24 procedures are necessary to fulfill the goals set forth above;
25 a Joint Transportation Committee of the Legislature will

1 develop expertise pertaining to highway matters within both
 2 legislative bodies and will contribute actively to the
 3 Legislature's deliberations with respect to highway funding
 4 and plans; expertise pertaining to such highway matters may be
 5 developed by evaluating best practices utilized in other
 6 states to maintain efficient and effective transportation
 7 projects and operations; a Joint Transportation Committee will
 8 insure that ALDOT operations and road or bridge construction
 9 projects are analyzed for efficiency and effectiveness; and
 10 now therefore, the creation of such Joint Transportation
 11 Committee is appropriate and desirable.

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

14 "§29-2-2.

15 "(a) There is hereby created a continuing permanent
 16 joint transportation committee of the Legislature to be known
 17 as the "Joint Transportation Committee." The committee shall
 18 consist of ~~seven~~ twelve members of the Senate appointed by the
 19 President of the Senate and ~~seven~~ twelve members of the House
 20 of Representatives appointed by the Speaker of the House of
 21 Representatives, one senator and one house member to be a
 22 resident of each present United States congressional district
 23 in the state and one senator and one house member to be a
 24 resident of each Alabama Department of Transportation region.

1 Of the total membership, a minimum of two members shall be
2 from the Minority party.

3 "(b) The members that reside in the Alabama
4 Department of Transportation regions ~~Members~~ of the Joint
5 Transportation Committee shall be appointed within thirty days
6 of the effective date of this act; in subsequent years,
7 members of the Joint Transportation Committee shall be
8 appointed within five legislative days after the convening of
9 the first regular session after the election of each
10 Legislature. Members shall hold office during their terms as
11 legislators and until their successors are appointed.
12 Vacancies shall be filled by appointment by the respective
13 presiding officer. ~~Appointees~~ Appointments shall be ~~residents~~
14 ~~of the congressional district where the vacancy exists~~ made in
15 compliance with the residency requirements established by this
16 act.

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

21 "§29-2-3.

22 ~~"Within 10 days after members of the Joint~~
23 ~~Transportation Committee are appointed as provided in this~~
24 ~~article, the committee shall convene at a place and time~~
25 ~~designated by the President of the Senate in written notice~~

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

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

19 "§29-2-4.

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

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

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

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

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

19 "(2) The update of the Transportation Department's
20 annual fund allocation plan shall be presented to the Joint
21 Transportation Committee at the third quarterly meeting of
22 each year. The review and consideration of concurrence in the
23 annual update of the five-year highway plan shall be
24 accomplished by the Joint Transportation Committee prior to
25 September 1 no later than the last quarterly meeting of each

1 year. Failure of the Joint Transportation Committee to concur
 2 in the annual update will not prevent the ~~Department of~~
 3 Transportation Department from proceeding with any project.

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

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

1 the first quarterly meeting to allow consideration by the
 2 Transportation Department prior to publishing.

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

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

1 available to the public within forty (40) days of the first
2 quarterly meeting.

3 ~~"(5)~~ (7) It shall recommend to the Governor
4 necessary funding for ~~Department of~~ future Transportation
5 Department budgets to the extent necessary beyond funds
6 already provided by law.

7 ~~"(6)~~ (8) It may retain the services of ~~outside~~
8 consultants, if necessary, and consult with other groups and
9 individuals, including public interest groups, interested
10 individuals, and appropriate ~~departments of the University of~~
11 ~~Alabama, Auburn University, and other~~ state educational
12 institutions.

13 ~~"(7)~~ (9) It may hold public hearings, shall make
14 diligent inquiry and a full examination of the long-range
15 future highway needs of the state, and shall file all reports
16 of its findings and recommendations with both houses of the
17 Legislature and with the Governor.

18 ~~"(8)~~ (10) It may call witnesses and do all things
19 necessary or convenient in connection with and all things
20 incidental to performance of the foregoing duties and powers.

21 ~~"(9)~~ (11) In performing its functions, the Joint
22 Transportation Committee shall take into consideration, in
23 ~~determining~~ reviewing plans for highway construction and
24 maintenance, among other factors all of the following:

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

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

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

16 "§29-2-6.

17 "(a) The ~~Department of Transportation~~ Department
18 shall cooperate with the Joint Transportation Committee and
19 shall prepare or cause to be prepared and furnished to the
20 Joint Transportation Committee, by ~~July 1~~ the third quarterly
21 meeting of each year, the current long-range five-year
22 federal-aid highway plan, STIP for proposed highway
23 construction and any other reports, disclosures, information,
24 or data requested by Joint Transportation Committee. and the
25 Department of Transportation's The Transportation Department's

1 proposed annual budgets, all as referred to in Section 29-2-4
2 for the next fiscal year shall be prepared and furnished to
3 the Joint Transportation Committee by the last quarterly
4 meeting of each year. The ~~Department of~~ Transportation
5 Department shall ~~include in its current annual work program~~
6 ~~sufficient projects to insure the complete utilization of all~~
7 ~~federal and state funds.~~ It shall make available the books and
8 records of the ~~Department of~~ Transportation Department
9 necessary for the Joint Transportation Committee to perform
10 its functions and shall report to it quarterly on the
11 performance of the ~~Department of~~ Transportation Department for
12 the preceding fiscal quarter of the state and its proposed
13 projects and plans for the current fiscal year thereof. The
14 Transportation Department shall maintain the STIP in
15 accordance with requirements set forth by the Federal Highway
16 Administration. Additionally, the Transportation Department
17 shall include narrative language for each project in the STIP
18 describing in detail the scope of the project and the reasons
19 for its placement in the STIP. Whenever the plan is amended
20 for any reason, the Transportation Department shall, within
21 seven calendar days of such amendment: (1) update the ALDOT
22 website to disclose the change(s) made to the plan and (2)
23 notify, in writing, the chair of the Joint Transportation
24 Committee of the change(s) made together with appropriate
25 explanation of the change(s). Upon written request from the

1 chair of the Joint Transportation Committee, the
 2 Transportation Department shall provide copies of the notice
 3 to all members of the Joint Transportation Committee.

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

8 "§29-2-8.

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

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 08-MAR-19, as amended.

Jeff Woodard
Clerk

Senate	12-MAR-19	Amended and Passed
House	12-MAR-19	Concurred in Senate Amendment