

1 HB80
2 196663-6
3 By Representative Poole
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

2
3
4
5
6
7
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 provide clarification of the long-range
25 plan; and to provide clarification of the Alabama Department
26 of Transportation's duties and information requirements to the
27 Committee relating to the long-range plan.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

5 "§29-2-1.

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

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

1 highway funding and plans; and now therefore, the creation of
2 such Joint Transportation Committee is appropriate and
3 desirable.

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

6 "§29-2-2.

7 "There is hereby created a continuing permanent
8 joint transportation committee of the Legislature to be known
9 as the "Joint Transportation Committee." The committee shall
10 consist of ~~seven~~ ten members of the Senate appointed by the
11 President of the Senate and ~~seven~~ ten members of the House of
12 Representatives appointed by the Speaker of the House of
13 Representatives, one senator and one house member to be a
14 resident of each present United States congressional district
15 in the state and the remaining members of each body serving
16 at-large. Members of the Joint Transportation Committee shall
17 be appointed within thirty days of the effective date of this
18 bill; in subsequent years, members of the Joint Transportation
19 Committee shall be appointed within five legislative days
20 after the convening of the first regular session after the
21 election of each Legislature. Members shall hold office during
22 their terms as legislators and until their successors are
23 appointed. Vacancies shall be filled by appointment by the
24 respective presiding officer. Appointees shall be ~~residents of~~
25 ~~the congressional district where the vacancy exists~~ made to
26 fulfill the residency requirements outlined above.

27 "§29-2-3.

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

1 voting at any properly convened meeting as long as a quorum is
2 in attendance. A quorum shall consist of any ~~eight~~ eleven
3 members. If less than a quorum is present at any meeting the
4 recommendations presented by ALDOT shall be deemed approved.
5 ~~or any adjournment thereof, those members who are present may~~
6 ~~adjourn the meeting from time to time and a majority vote of~~
7 ~~the members present shall be sufficient, without any notice~~
8 ~~other than by announcement at the meeting, to adjourn the~~
9 ~~meeting from time to time until a quorum is in attendance. At~~
10 ~~any adjourned meeting, any business may be transacted that~~
11 ~~might have been transacted at the meeting as originally called~~
12 Should any member be absent from two 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 "The powers and duties of the Joint Transportation
21 Committee shall be ~~the following~~ as follows:

22 "(1) It shall review ~~and concur in a~~ and shall
23 consider concurring with the long-range plan of the
24 Transportation Department as such plan exists at the date of
25 the meeting called for the purpose of reviewing the plan. The
26 "long-range plan" referred to herein is the Statewide
27 Transportation Improvement Program (herein "STIP") maintained

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

1 ~~annually. The plans in appropriate form shall be made~~
2 ~~available to all government agencies and all members of the~~
3 ~~public and news media.~~

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

14 "(3) The Transportation Department's requested
15 budget for the following fiscal year shall be presented to the
16 Joint Transportation Committee at the last quarterly meeting
17 of the year. It shall review the budget ~~for highway~~
18 ~~construction, maintenance, operation, and administration of~~
19 ~~the Department of Transportation~~ proposed by the
20 Transportation Department on an annual basis, which ~~budget~~
21 review shall be ~~reviewed~~ completed not later than the
22 ~~fifteenth legislative day of each annual session of the~~
23 ~~Legislature~~ first quarterly meeting of each year.

24 "(4) An in-progress draft of the Annual Report
25 outlined in Section 23-1-35, Code of Alabama 1975 shall be
26 presented to the Joint Transportation Committee at the first
27 quarterly meeting of each year. All comments and input from

1 members of the Joint Transportation Committee shall be
2 delivered to the Transportation Department within 30 days of
3 the first quarterly meeting to allow consideration by the
4 Transportation Department prior to publishing.

5 "(5) The Transportation Department shall prepare and
6 submit for review by the Joint Transportation Committee a
7 long-range plan for the Department at the first quarterly
8 meeting of the year. The plan shall include a narrative of the
9 condition of the Transportation Department as well as forward
10 looking challenges and opportunities. The intent of this
11 requirement is to allow the Joint Transportation Committee to
12 assist in avoiding future problems and challenges and to
13 assist in the development of goals for the Transportation
14 Department. This plan may be incorporated into the Annual
15 Report as required by Section 23-1-35, Code of Alabama 1975 or
16 be prepared as a 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
26 available to the public within forty (40) days of the first
27 quarterly meeting.

1 "~~(5)~~ (7) It shall recommend to the Governor
2 necessary funding for ~~Department of~~ future Transportation
3 Department budgets to the extent necessary beyond funds
4 already provided by law.

5 "~~(6)~~ (8) It may retain the services of ~~outside~~
6 consultants, if necessary, and consult with other groups and
7 individuals, including public interest groups, interested
8 individuals, and appropriate ~~departments of the University of~~
9 ~~Alabama, Auburn University, and other~~ state educational
10 institutions.

11 "~~(7)~~ (9) It may hold public hearings, shall make
12 diligent inquiry and a full examination of the long-range
13 future highway needs of the state, and shall file all reports
14 of its findings and recommendations with both houses of the
15 Legislature and with the Governor.

16 "~~(8)~~ (10) It may call witnesses and do all things
17 necessary or convenient in connection with and all things
18 incidental to performance of the foregoing duties and powers.

19 "~~(9)~~ (11) In performing its functions, the Joint
20 Transportation Committee shall take into consideration, in
21 ~~determining~~ reviewing plans for highway construction and
22 maintenance, among other factors all of the following:

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

26 "b. Industrial and agricultural growth.;

27 "c. Transportation safety.;

1 "d. Ecological impacts of transportation projects;i

2 "e. Recreation and tourism;i

3 "f. Traffic density;i

4 "g. Implications on the routing of school buses; and

5 "h. Implications on the operation of public safety
6 and first responder vehicles.

7 "§29-2-6.

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

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

18 "§29-2-8.

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

1 legislation. Absent a recommendation from the Joint
2 Transportation Committee, said committees shall proceed with
3 their consideration of legislation."

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