

TEXAS DEPARTMENT OF RURAL AFFAIRS
(Continued)

by state law, in order to avoid any duplication of effort. It is the intent of the Legislature that no funds shall be transferred between the Department of Housing and Community Affairs and the Texas Department of Rural Affairs for this purpose.

13. **Travel Expenditures.** Out of funds appropriated above, the Texas Department of Rural Affairs is authorized to spend up to \$26,700 each year of the biennium for out-of-state travel. This limitation shall not apply to out-of-state travel associated with federal programs if the cost of such travel is paid for or reimbursed by the federal government.

DEPARTMENT OF TRANSPORTATION

	For the Years Ending	
	August 31, 2012	August 31, 2013
Method of Financing:		
<u>General Revenue Fund</u>		
General Revenue Fund	\$ 116,562,045	\$ 117,162,748
General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees	750,000	750,000
Subtotal, General Revenue Fund	<u>\$ 117,312,045</u>	<u>\$ 117,912,748</u>
GR Dedicated - Texas Highway Beautification Account No. 071	888,824	900,510
<u>Federal Funds</u>		
Federal American Recovery and Reinvestment Fund	470,659,947	106,163,591
Federal Reimbursements	2,828,374,818	2,609,497,260
Federal Funds	62,876,128	62,876,128
Subtotal, Federal Funds	<u>\$ 3,361,910,893</u>	<u>\$ 2,778,536,979</u>
<u>Other Funds</u>		
State Highway Fund No. 006, estimated	2,691,541,076	2,626,820,838
State Highway Fund No. 006 - Toll Revenue, estimated	583,514,825	574,047,192
State Highway Fund No. 006 - Concession Fees, estimated	2,000,000	4,300,000
Bond Proceeds - State Highway Fund, estimated	787,432,569	303,916,124
State Highway Fund - Debt Service, estimated	298,571,835	415,464,266
Bond Proceeds - Texas Mobility Fund, estimated	185,089,291	126,987,582
Texas Mobility Fund - Debt Service, estimated	320,948,867	325,145,628
Bond Proceeds - General Obligation Bonds	24,000,000	0
Bond Proceeds - GO Bonds (Proposition 12, 2007)	2,109,756,223	2,035,161,347
Interagency Contracts	4,500,000	4,500,000
Subtotal, Other Funds	<u>\$ 7,007,354,686</u>	<u>\$ 6,416,342,977</u>
Total, Method of Financing	<u>\$ 10,487,466,448</u>	<u>\$ 9,313,693,214</u>
Other Direct and Indirect Costs Appropriated Elsewhere in this Act	\$ 308,909	\$ 329,025
This bill pattern represents an estimated 97% of this agency's estimated total available funds for the biennium.		
Number of Full-Time-Equivalents (FTE):	12,203.0	12,203.0
Schedule of Exempt Positions:		
Executive Director, Group 8	\$192,500	\$192,500
Commissioner	(5) 15,914	(5) 15,914
Items of Appropriation:		
A. Goal: PROVIDE TRANSPORTATION PLANNING		
A.1.1. Strategy: PLAN/DESIGN/MANAGE Plan, Design, and Manage Transportation Projects.	\$ 308,072,136	\$ 298,493,553

DEPARTMENT OF TRANSPORTATION
(Continued)

A.1.2. Strategy: CONTRACTED PLANNING AND DESIGN	\$ 355,139,975	\$ 372,293,681 & UB
Contracted Planning and Design of Transportation Projects.		
A.1.3. Strategy: RIGHT-OF-WAY ACQUISITION	\$ 589,889,339	\$ 418,715,132 & UB
Optimize Timing of Transportation Right-of-way Acquisition.		
A.1.4. Strategy: RESEARCH	\$ 22,071,515	\$ 22,079,607
Fund Research and Development to Improve Transportation Operations.		
Total, Goal A: PROVIDE TRANSPORTATION PLANNING	<u>\$ 1,275,172,965</u>	<u>\$ 1,111,581,973</u>
B. Goal: TRANSPORTATION IMPROVEMENTS Implement Transportation Improvements.		
B.1.1. Strategy: EXISTING CONSTRUCTION CONTRACTS	\$ 2,726,768,598	\$ 581,612,487 & UB
Existing Construction Contracts from Prior Fiscal Years. Estimated.		
B.1.2. Strategy: NEW CONSTRUCTION CONTRACTS	\$ 651,041,674	\$ 1,623,803,010 & UB
New Construction Contracts. Estimated.		
B.1.3. Strategy: CONSTRUCTION GRANTS & SERVICES	\$ 491,448,909	\$ 423,744,046 & UB
Grants, Loans, Pass-through Payments, and Other Services. Estimated.		
B.1.4. Strategy: AVIATION SERVICES	\$ 109,651,115	\$ 84,302,257 & UB
Support and Promote General Aviation.		
Total, Goal B: TRANSPORTATION IMPROVEMENTS	<u>\$ 3,978,910,296</u>	<u>\$ 2,713,461,800</u>
C. Goal: PRESERVE THE TRANSPORTATION SYSTEM		
C.1.1. Strategy: EXISTING MAINTENANCE CONTRACTS	\$ 1,108,879,566	\$ 360,985,330 & UB
Existing Maintenance Contracts from Prior Fiscal Years.		
C.1.2. Strategy: NEW MAINTENANCE CONTRACTS	\$ 816,379,002	\$ 1,796,283,893 & UB
C.1.3. Strategy: CONTRACTED ROUTINE MAINTENANCE	\$ 674,671,274	\$ 628,219,294 & UB
Contract for Routine Transportation System Maintenance.		
C.1.4. Strategy: ROUTINE MAINTENANCE	\$ 767,258,780	\$ 764,934,144 & UB
Provide for State Transportation System Routine Maintenance/Operations.		
C.1.5. Strategy: GULF WATERWAY	\$ 875,275	\$ 826,459 & UB
Support the Gulf Intracoastal Waterway.		
C.1.6. Strategy: FERRY SYSTEM	\$ 47,189,312	\$ 48,743,747 & UB
Maintain and Operate Ferry Systems in Texas.		
Total, Goal C: PRESERVE THE TRANSPORTATION SYSTEM	<u>\$ 3,415,253,209</u>	<u>\$ 3,599,992,867</u>
D. Goal: OPTIMIZE SERVICES AND SYSTEMS		
D.1.1. Strategy: PUBLIC TRANSPORTATION	\$ 92,939,660	\$ 92,968,396 & UB
Support and Promote Public Transportation.		
D.2.1. Strategy: TRAFFIC SAFETY	\$ 71,933,635	\$ 71,996,827 & UB
D.3.1. Strategy: TRAVEL INFORMATION	\$ 17,112,664	\$ 17,071,352 & UB
Total, Goal D: OPTIMIZE SERVICES AND SYSTEMS	<u>\$ 181,985,959</u>	<u>\$ 182,036,575</u>
E. Goal: ENHANCE RAIL TRANSPORTATION		
E.1.1. Strategy: RAIL PLAN/DESIGN/MANAGE	\$ 2,163,001	\$ 2,327,350

DEPARTMENT OF TRANSPORTATION
(Continued)

E.1.2. Strategy: CONTRACT RAIL PLAN/DESIGN	\$ 5,373,370	\$ 1,700,000 & UB
Contract for Planning and Design of Rail Transportation Infrastructure.		
E.1.3. Strategy: RAIL CONSTRUCTION	\$ 38,000,000	\$ 2,500,000 & UB
E.1.4. Strategy: RAIL MAINTENANCE	\$ 953,549	\$ 0 & UB
E.1.5. Strategy: RAIL SAFETY	\$ 1,137,644	\$ 1,147,075
Ensure Rail Safety through Inspection and Public Education.		
Total, Goal E: ENHANCE RAIL TRANSPORTATION	<u>\$ 47,627,564</u>	<u>\$ 7,674,425</u>
F. Goal: INDIRECT ADMINISTRATION		
F.1.1. Strategy: CENTRAL ADMINISTRATION	\$ 47,311,212	\$ 47,445,084
F.1.2. Strategy: INFORMATION RESOURCES	\$ 67,835,149	\$ 65,943,912
F.1.3. Strategy: OTHER SUPPORT SERVICES	\$ 38,668,603	\$ 38,592,887
F.1.4. Strategy: REGIONAL ADMINISTRATION	<u>\$ 51,365,435</u>	<u>\$ 49,114,804</u>
Total, Goal F: INDIRECT ADMINISTRATION	<u>\$ 205,180,399</u>	<u>\$ 201,096,687</u>
G. Goal: DEBT SERVICE PAYMENTS		
Debt Service Payments for Bonds, Notes, and Other Credit Agreements.		
G.1.1. Strategy: GENERAL OBLIGATION BONDS	\$ 127,967,471	\$ 128,558,743 & UB
General Obligation Bond Debt Service Payments.		
G.1.2. Strategy: STATE HIGHWAY FUND BONDS	\$ 320,429,127	\$ 437,321,558 & UB
State Highway Fund Bond Debt Service Payments.		
G.1.3. Strategy: TEXAS MOBILITY FUND BONDS	\$ 344,252,801	\$ 348,449,562 & UB
Texas Mobility Fund Bond Debt Service Payments.		
G.1.4. Strategy: OTHER DEBT SERVICE	\$ 5,171,832	\$ 5,171,832 & UB
Other Debt Service Payments.		
Total, Goal G: DEBT SERVICE PAYMENTS	<u>\$ 797,821,231</u>	<u>\$ 919,501,695</u>
H. Goal: DEVELOP SH 121 SUBACCOUNT PROJECTS		
Deliver Transportation Projects through SH 121 Toll Project Funds.		
H.1.1. Strategy: PLAN/DESIGN/MANAGE - SH 121 Plan, Design, and Manage Transportation Projects with SH 121 Funds.	\$ 5,000,000	\$ 5,000,000
H.1.2. Strategy: CONTRACTED PLAN/DESIGN - SH 121	\$ 17,000,000	\$ 12,000,000 & UB
Contract Planning/Design of Transportation Projects with SH 121 Funds.		
H.1.3. Strategy: RIGHT-OF-WAY ACQUISITION - SH 121	\$ 106,514,825	\$ 97,047,192 & UB
Optimize Timing of Transportation ROW Acquisition with SH 121 Funds.		
H.1.4. Strategy: EXISTING CONSTRUCTION - SH 121	\$ 35,000,000	\$ 10,000,000 & UB
Existing SH 121 Construction Contracts from Prior Fiscal Years.		
H.1.5. Strategy: NEW CONSTRUCTION - SH 121	\$ 420,000,000	\$ 450,000,000 & UB
New State Highway 121 Fund Construction Contracts.		
Total, Goal H: DEVELOP SH 121 SUBACCOUNT PROJECTS	<u>\$ 583,514,825</u>	<u>\$ 574,047,192</u>

DEPARTMENT OF TRANSPORTATION
(Continued)

I. Goal: DEVELOP SH 130 SUBACCOUNT PROJECTS

Deliver Transportation Projects through SH 130 Toll Project Funds.

I.1.1. Strategy: NEW CONSTRUCTION - SH 130	\$	2,000,000	\$	4,300,000 & UB
New State Highway 130 Fund Construction Contracts.				

Grand Total, DEPARTMENT OF TRANSPORTATION	\$	<u>10,487,466,448</u>	\$	<u>9,313,693,214</u>
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Supplemental Appropriations Made in Riders:	\$	5,500,000	\$	5,500,000
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Object-of-Expense Informational Listing:

Salaries and Wages	\$	574,353,335	\$	573,399,209
Other Personnel Costs		24,054,873		25,131,661
Professional Fees and Services		533,018,916		540,825,911
Fuels and Lubricants		43,978,601		45,907,454
Consumable Supplies		6,679,940		6,684,182
Utilities		48,360,452		49,226,405
Travel		6,055,059		6,060,468
Rent - Building		4,351,718		4,335,868
Rent - Machine and Other		7,890,137		7,910,303
Debt Service		788,625,571		910,312,091
Other Operating Expense		1,201,669,988		1,133,339,737
Client Services		8,879,248		4,675,624
Grants		596,896,318		532,291,978
Capital Expenditures		<u>6,648,152,292</u>		<u>5,479,092,323</u>

Total, Object-of-Expense Informational Listing	\$	<u>10,492,966,448</u>	\$	<u>9,319,193,214</u>
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Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act:

Employee Benefits

Retirement	\$	34,526,993	\$	34,699,628
Group Insurance		143,486,441		146,780,101
Social Security		43,244,281		43,460,503
Benefits Replacement		<u>4,728,414</u>		<u>4,421,067</u>

Subtotal, Employee Benefits	\$	<u>225,986,129</u>	\$	<u>229,361,299</u>
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Debt Service

TPFA GO Bond Debt Service	\$	11,807,995	\$	13,946,746
Lease Payments		<u>1,197,301</u>		<u>993,648</u>

Subtotal, Debt Service	\$	<u>13,005,296</u>	\$	<u>14,940,394</u>
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Total, Estimated Allocations for Employee Benefits and Debt Service Appropriations Made Elsewhere in this Act	\$	<u>238,991,425</u>	\$	<u>244,301,693</u>
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1. **Performance Measure Targets.** The following is a listing of the key performance target levels for the Department of Transportation. It is the intent of the Legislature that appropriations made by this Act be utilized in the most efficient and effective manner possible to achieve the intended mission of the Department of Transportation. In order to achieve the objectives and service standards established by this Act, the Department of Transportation shall make every effort to attain the following designated key performance target levels associated with each item of appropriation.

	<u>2012</u>	<u>2013</u>
A. Goal: PROVIDE TRANSPORTATION PLANNING		
Outcome (Results/Impact):		
Percent of Design Projects Delivered on Time	91%	92%
Percent of Design Projects Delivered on Budget	36%	37%
A.1.1. Strategy: PLAN/DESIGN/MANAGE		
Output (Volume):		
Number of Construction Project Preliminary Engineering Plans Completed	550	550
Dollar Volume of Construction Contracts Awarded in Fiscal Year (Millions)	2,280	3,110
Number of Projects Awarded	640	600

DEPARTMENT OF TRANSPORTATION
(Continued)

B. Goal: TRANSPORTATION IMPROVEMENTS**Outcome (Results/Impact):**

Percent of Construction Projects Completed on Budget	91%	95%
Percent of Two-lane Highways with Improved Shoulders	58.2%	58.7%
Percent of Railroad Crossings with Signalization	60%	60.8%
Percent of Construction Projects Completed on Time	70%	70%
Percent of General Aviation Airport Pavement in Good or Excellent Condition	75.5%	76%

B.1.4. Strategy: AVIATION SERVICES**Output (Volume):**

Number of Grants Approved for Airports Selected for Financial Assistance	90	90
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C. Goal: PRESERVE THE TRANSPORTATION SYSTEM**Outcome (Results/Impact):**

Percent of Bridges Rated in Good Condition or Higher	81.8%	82.5%
Statewide Maintenance Assessment Program Condition Score	77	76
Statewide Traffic Assessment Program Condition Score	86.8	86.9

C.1.2. Strategy: NEW MAINTENANCE CONTRACTS**Output (Volume):**

Number of Lane Miles Contracted for Resurfacing	15,720	13,719
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C.1.4. Strategy: ROUTINE MAINTENANCE**Output (Volume):**

Number of Oversize/Overweight Permits Issued	563,000	580,000
Number of Highway Lane Miles Resurfaced by State Forces	7,518	7,756

D. Goal: OPTIMIZE SERVICES AND SYSTEMS**Outcome (Results/Impact):**

Percent Change in the Number of Small Urban and Rural Transit Trips	1.5%	1%
Number of Fatalities Per 100,000,000 Miles Traveled	1.26	1.25

E. Goal: ENHANCE RAIL TRANSPORTATION**E.1.5. Strategy: RAIL SAFETY****Output (Volume):**

Number of Federal Railroad Administration (FRA) Units Inspected	115,360	118,820
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2. **Capital Budget.** Notwithstanding the capital budget provisions in the General Provisions of this act, none of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. No additional funds may be transferred to the capital budget items listed below without first obtaining written approval from the Legislative Budget Board and the Governor. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, § 1232.103. Upon approval from the Legislative Budget Board, capital budgeted funds listed below under "Acquisition of Information Resource Technologies" may be used to lease information resources hardware and/or software versus the purchase of information resources hardware and/or software, if determined by agency management to be in the best interest of the State of Texas.

The Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, an annual report of expenditures made under this authority no later than 10 days after September 1 of each year.

	2012	2013
a. Acquisition of Land and Other Real Property	\$ 900,000	\$ 650,000
b. Construction of Buildings and Facilities	4,560,000	970,000
c. Repair or Rehabilitation of Buildings and Facilities	7,109,000	5,626,000

DEPARTMENT OF TRANSPORTATION
(Continued)

d. Acquisition of Information Resource Technologies		
(1) Data Center Consolidation	15,369,146	15,522,640
(2) Technology Replacement & Upgrade	13,173,528	10,929,482
(3) Texas Statewide Railroad Grade Crossing Inventory System 2	594,000	594,000
(4) MMIS Client Server Systems Replacement	2,000,000	500,000
(5) Statewide Traffic Analysis & Reporting System II	605,000	635,000
(6) Statewide Analysis Model II	535,300	25,000
(7) Highway Performance Monitoring System (HPMS) Conversion to Geographic Information System (GIS)	2,400,000	1,600,000
(8) Mainframe Modernization	23,000,000	23,000,000
(9) Texas Environmental Compliance Oversight System	695,613	695,613
Total, Acquisition of Information Resource Technologies	<u>\$ 58,372,587</u>	<u>\$ 53,501,735</u>
e. Transportation Items	7,085,696	6,919,609
f. Acquisition of Capital Equipment and Items	<u>41,034,580</u>	<u>40,026,986</u>
Total, Capital Budget	<u>\$ 119,061,863</u>	<u>\$ 107,694,330</u>
Method of Financing (Capital Budget):		
Federal Reimbursements	\$ 594,000	\$ 594,000
State Highway Fund No. 006	118,467,863	107,100,330
Total, Method of Financing	<u>\$ 119,061,863</u>	<u>\$ 107,694,330</u>

3. Transfer Authority.

- a. Subject to the prior written approval of the Legislative Budget Board, the Department of Transportation may transfer appropriations from any Strategy into Strategies A.1.2, Contracted Planning and Design, A.1.3, Right-of-Way Acquisition, B.1.1, Existing Construction Contracts, B.1.2, New Construction Contracts, B.1.3, Construction Grants & Services, C.1.1, Existing Maintenance Contracts, C.1.2, New Maintenance Contracts, and C.1.3, Contracted Routine Maintenance. In addition, subject to the prior written approval of the Legislative Budget Board, appropriations may be transferred in any amount among Strategies A.1.2, Contracted Planning and Design, A.1.3, Right-of-Way Acquisition, B.1.1, Existing Construction Contracts, B.1.2, New Construction Contracts, B.1.3, Construction Grants & Services, C.1.1, Existing Maintenance Contracts, C.1.2, New Maintenance Contracts, C.1.3, Contracted Routine Maintenance.
- b. No appropriations may be transferred into, among, or out of the strategies identified in subsection (a) of this rider unless the Department of Transportation submits a report to the Legislative Budget Board, in a format prescribed by the Legislative Budget Board, that provides information regarding the purposes and the projected impact of the transfers on transportation projects and future appropriation needs; and the Legislative Budget Board issues written approval.

4. **Magazine Appropriations.** The Department of Transportation is directed to set subscription rates and other charges for Texas Highways Magazine at a level that will generate receipts approximately sufficient to cover the costs incurred in the production and distribution of the magazine. In addition to funds appropriated above, the department is hereby appropriated to Strategy D.3.1, Travel Information, any magazine revenues generated above \$4,676,202 for the 2012 fiscal year and \$4,700,725 for the 2013 fiscal year. Funds may be utilized only for the purpose of magazine costs. The Department of Transportation may transfer revenues available from prior years subscription fees to Strategy D.3.1, Travel Information, in the event of unforeseen or unusual expenditures associated with the production costs of the Texas Highways Magazine. The Department of Transportation is hereby appropriated all revenue collected from the sale of promotional items as authorized by Transportation Code § 204.009.

DEPARTMENT OF TRANSPORTATION

(Continued)

5. **Limitation on Residences.** None of the funds appropriated herein above may be expended for the purchase, construction, or maintenance of residences for employees of the Department of Transportation except maintenance camps in isolated areas.
6. **Refunds and Lawsuit Costs.** Any necessary amounts appropriated above may be used by the Department of Transportation to pay refunds authorized by law and to pay judgments, settlements, and other costs associated with lawsuits involving the department, including suits involving right-of-way acquisition or inverse condemnation.
7. **Minimum Wage Contracts.** In contracting for maintenance and construction contract work with the private sector from funds appropriated above, the Department of Transportation shall require that contractors and subcontractors are paying all employees and contract labor at a rate at least equal to the federal minimum wage. The department shall withhold payments to contractors until their contractual obligations for paying employees and the contract labor have been fulfilled.
8. **Aviation Services Appropriations.** Out of funds appropriated above in Strategy B.1.4, Aviation Services, to the Department of Transportation from State Highway Fund No. 006, an amount not to exceed \$25,000,000 in fiscal year 2012 is contingent upon balances of the same amount remaining in Strategy B.1.4, Aviation Services, as of August 31, 2011, from appropriations made to the department for airport development grants in the 2010-11 biennium. In the event that actual and/or projected balances are insufficient for appropriations identified above for this purpose, the Comptroller is hereby directed to reduce the appropriation authority in Strategy B.1.4, Aviation Services, provided by this Act to the Department of Transportation to be within the amount expected to be available each year.
9. **Trust Fund 927.** The Department of Transportation is hereby authorized to receive and hold funds in Trust Fund No. 927 (county or political subdivision road participation account) from governmental and private entities for purposes of reimbursing State Highway Fund No. 006 for expenses incurred with transportation projects, including highway and aviation.
10. **State Highway Fund Reimbursement.** To the extent that funds are made available from local governments under Transportation Code § 22.055(b), the department is hereby appropriated amounts as necessary from State Highway Fund No. 006 for purposes authorized by Chapter 22 of the Texas Transportation Code. Funds made available to the department under Transportation Code § 22.055(b) are to be used only for the purpose of reimbursing State Highway Fund No. 006.
11. **District Discretionary Funds.** Out of the funds appropriated above in Goal B, Transportation Improvements, the Department of Transportation shall allocate a minimum of \$2.5 million for each district to the State District Discretionary Category each fiscal year. In addition, the Department of Transportation shall submit to the Legislative Budget Board and the Governor's Office an annual report no later than November 1st each fiscal year detailing the amount of District Discretionary category funds used by each district for project cost overruns.
12. **Travel Information.** If the department determines that it cannot meet anticipated production and distribution for the Texas State Travel Guide and related travel literature from funds appropriated in Strategy D.3.1, Travel Information, the department shall transfer sufficient funds to meet the demand for each year of the biennium from any Strategy except that no transfers shall be made into Strategy D.3.1, Travel Information, from Strategy A.1.2, Contracted Planning and Design, Strategy A.1.3, Right-of-Way Acquisition, Strategy B.1.1, Existing Construction Contracts, B.1.2, New Construction Contracts, B.1.3, Construction Grants & Services, C.1.1, Existing Maintenance Contracts, C.1.2, New Maintenance Contracts, C.1.3, Contracted Routine Maintenance, G.1.1, General Obligation Bonds, G.1.2, State Highway Fund Bonds, G.1.3, Texas Mobility Fund Bonds, G.1.4, Other Debt Service, strategies in Goal H, Develop SH 121 Subaccount Projects, and strategies in Goal I, Develop SH 130 Subaccount Projects.
13. **Full-Time Equivalent: Summer Hire Program.** Full-Time-Equivalent (FTE) positions associated with the Summer Hire Program of the Department of Transportation, in an amount not to exceed 1,200 FTEs, shall be exempt from the Article IX provision establishing a limitation on state agency employment levels for the third and fourth quarters of each fiscal year. This provision will not change the "Number of Full-Time-Equivalents (FTE)" listed elsewhere in this Act. The Department of Transportation shall provide to the Legislative Budget Board, the Governor, and the State Auditor's Office a report of the number of FTEs associated with the Summer Hire Program each fiscal year. Out of individuals hired for the Summer Hire Program, the department shall hire no less than 10 interns each year for the Texas Prefreshman Engineering Program (TexPREP).

DEPARTMENT OF TRANSPORTATION

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14. Reporting Requirements.

- a. **Trade Transportation Activities.** The Department of Transportation shall provide a report to the department's border district legislators and to the respective metropolitan planning organizations on department's trade transportation activities in such border districts during the 2012-13 biennium. The department shall report annually no later than January 1, each year of the biennium. The report shall also be provided to the Governor and the Legislative Budget Board.
- b. **Cash Forecast.** In addition to other information that might be requested by the Legislative Budget Board, the Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, a monthly cash forecast report to the Legislative Budget Board and the Governor on state and federal funds received in State Highway Fund No. 006 as specified by the Legislative Budget Board. At any time, if the department becomes aware of any variances to estimated amounts appropriated above out of state and federal funds received in State Highway Fund No. 006, the department shall immediately notify the Legislative Budget Board and the Governor in writing specifying the affected funds and the reason for the anticipated change. The monthly cash forecast report shall include detailed explanations of the causes and effects of current and anticipated fluctuations in the cash balance. In addition, the monthly cash forecast shall report expenditure information at the same level as the Department of Transportation's appropriation bill pattern strategies.
- c. **Project Status Report.** The Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, a status report on all highway construction projects, airport projects, Trans-Texas Corridor projects, rail projects, toll road projects, turnpike projects, toll authorities, regional mobility authorities, and toll road conversion projects by legislative district, currently under contract or awaiting funding. The report shall include projects that would be funded fully or in part by state, federal, or toll funds. The report shall be filed prior to January 1, each fiscal year. In addition, 90 days prior to any loan being granted by the department for any project, all members of the district within which the project is located shall be notified on the status of the project and how other projects in any district would be affected.
- d. **Trans-Texas Corridor, Toll Project, Rail Project, and Toll Project Entities.**
 - (1) The Department of Transportation shall provide to each member of the House and Senate, unless a member requests it not be provided, notification of:
 - (A) all Trans-Texas Corridor projects included in the draft Unified Transportation Program located within each member of the House and Senate's district no later than 10 days after being identified as Trans-Texas Corridor Projects and at least 2 business days prior to public release of the draft Unified Transportation Program;
 - (B) all eminent domain proceedings located within each member of the House and Senate's district related to Trans-Texas Corridor projects no later than 10 days before the proceedings begin;
 - (C) all rail projects, toll road projects, and turnpike projects included in the draft Unified Transportation Program located within each member of the House and Senate's district no later than 10 days after being identified and at least 2 business days prior to public release of the draft Unified Transportation Program;
 - (D) the receipt of an application requesting approval to create a regional mobility authority or regional tollway authority located within each member of the House and Senate's district no later than 10 days after receipt of an application and of the Transportation Commission's consideration of an application no later than 10 days prior to commission action; and
 - (E) any toll authority or regional mobility authority board member who discloses to the department that the board member owns or participates in any holding included in a proposed project immediately after the department receives that information.

DEPARTMENT OF TRANSPORTATION

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- (2) **Trans-Texas Corridor Projects.** The Department of Transportation shall identify all Trans-Texas Corridor projects included in the Unified Transportation Plan and shall make that information available on its website.
- e. **Public Transportation Activities.** The Department of Transportation shall develop and submit an annual report to the Legislature no later than January 1, each fiscal year on public transportation activities in Texas. The report shall at a minimum include monthly data on industry utilized standards which best reflect: ridership, mileage, revenue by source, and service effectiveness, such as passengers per revenue mile. In order to meet the mandates of Chapter 461, Transportation Code, relating to the coordination of public transportation and to implement the legislative intent of § 461.001, Transportation Code, the Department of Transportation is directed to engage the services of the Texas Transportation Institute, or any entity that the Department of Transportation deems appropriate, to maintain an inventory of all public transportation providers in the state to determine the types and levels of services being provided by each of them and the extent to which those providers can assist the state in meeting the mandates of the statute.
- f. **Congestion Mitigation and Air Quality Projects.** The Department of Transportation shall report annually to the Legislative Budget Board and the Governor on the progress of the Congestion Mitigation and Air Quality (CMAQ) Improvement Program at achieving credit in the State Implementation Plan (SIP) for air quality under the Federal Clean Air Act. The report shall include a listing of each CMAQ project, the amount of CMAQ funds designated, and the amount of quantifiable credit received in the SIP. The report shall be provided no later than September 1, each year of the biennium.
- g. **State Transportation Improvement Program.** For each fiscal year in the biennium, the Department of Transportation shall provide a report, with results statewide by district, on the percentage of projects listed in the State Transportation Improvement Program (STIP) that were let on or before the letting date provided in the STIP.
- h. **Electronic Format.** All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in electronic formats and, if requested, in paper format.
- i. **Federal Funds Reporting Requirement.**
- (1) The Department of Transportation shall provide to the Legislative Budget Board and the Governor:
- (A) written notification of any increases or decreases in the amounts of federal funds estimated to be available to the Department of Transportation for the 2012-13 biennium within 10 business days of the date upon which the Department of Transportation is notified of such increases or decreases; and
- (B) written notification outlining:
- i. the use and projected impacts of any additional federal funds available to the Department of Transportation above amounts estimated for the 2012-13 biennium; and/or
- ii. the Department of Transportation's plan for addressing any reductions in federal funds, including federally-mandated funding rescissions.
- (2) The Department of Transportation shall provide to the Legislative Budget Board and the Governor any documentation required by the U.S. Department of Transportation, Federal Highway Administration regarding the Department of Transportation's proposed use of additional federal funds and/or proposed actions to address federal funds reductions, including federally-mandated funding rescissions, as soon as possible prior to submitting the required documentation to the U.S. Department of Transportation, Federal Highway Administration.
- j. **Toll Project Revenue and Funds Report.** Using funds appropriated above, the Department of Transportation shall submit to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, an annual report of all state toll project revenues received and

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any other related funds that are deposited outside of the state treasury, including the purpose and use of such funds by the department. The report shall be submitted no later than November 1, in each year of the biennium.

- k. **Report of Indirect Costs.** In each cost report submitted to the Legislature by the Department of Transportation that includes information related to a project that is part of the Trans-Texas Corridor, the department shall either include indirect costs associated with the project or indicate that indirect costs are not addressed in the report.
- l. **Appropriations from State Highway Fund No. 006 and Proposition 12 General Obligation Bonds.** Prior to the beginning of each fiscal year, the department shall provide the Legislative Budget Board and the Governor with a detailed plan for the use of appropriations from State Highway Fund No. 006 and Proposition 12 General Obligation Bond Proceeds which includes, but is not limited to:
 - (1) each construction project's enhancement of the state's economy, traffic safety, and connectivity;
 - (2) a detailed account of the level of traffic congestion reduced by each proposed project, in districts that contain one of the 50 most congested roads; and
 - (3) a district by district analysis of pavement score targets and how proposed maintenance spending will impact pavement scores in each district.
- m. **Congested Road Segments.**
 - (1) Out of funds appropriated above, the department shall expend necessary funds to prominently post the top 100 congested road segments on its website and:
 - (A) the annual hours of travel delays and the economic value of the delays for each segment;
 - (B) a congestion mitigation plan drafted in coordination with the local Metropolitan Planning Organization which shall include, when appropriate, alternatives to highway construction; and
 - (C) at least a quarterly update of the current status in completing the mitigation plan for each road segment.
 - (2) Funds shall not be distributed by the department to any district with a road segment in the top 100 congested roads until the requirements of this subsection have been met.
- n. **Pass-through Tolling Agreements.** The Department of Transportation shall submit an annual report to the Legislative Budget Board no later than November 1 of each fiscal year, in the format prescribed by the Legislative Budget Board, providing information on all existing pass-through tolling or pass-through financing agreements of the department.
- 15. **Green Ribbon Project Expansion.** It is the intent of the Legislature that the Department of Transportation expand the Green Ribbon Project, a public-private partnership initiative to enhance the appearance of public highways by incorporating in the design and improvement of public highways the planting of trees and shrubs, emphasizing natural beauty and greenspace, integrating public art, and highlighting cultural uniqueness of neighborhoods, to other areas of the state.

Furthermore, in non-attainment and near non-attainment areas, in connection with a contract for a highway project, the department shall allocate to the district or districts in which the project is located an amount equal to not less than one half of one and not to exceed 1 percent of the amount to be spent under the contract for construction, maintenance, or improvement of the highway. If two or more districts share an allocation under this section, the districts shall divide the allocation according to the portion of the amount under the contract that will be spent in each district. A district that receives an allocation under this rider shall spend not less than one half of the allocation for landscaping and other enhancements included in the Green Ribbon program as

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improvements associated with the project that was the subject of the contract. The district may spend the allocated money that is not used for landscaping improvements associated with the project that was the subject of the contract for landscaping improvements associated with another highway or highway segment located in the district.

For purposes of this rider, landscape improvements means planting of indigenous or adapted trees and other plants that are suitable for the climate in which they will be located, and preparing the soil and installing irrigation systems for the growth of the trees and plants. In non-attainment and near non-attainment areas, the district or districts shall, to the extent possible, use trees and plants that help mitigate the effects of air pollution.

16. Miscellaneous Pay Provisions.

- a. **Holiday Pay.** Notwithstanding other provisions of this bill, the Department of Transportation, to the extent permitted by law, is authorized to grant compensatory time off or to pay hourly employees for work performed on official state holidays in addition to any applicable holiday pay.
- b. **Compensatory Pay.** In order to operate in the most economical manner, when inclement weather or other circumstances beyond the control of the department prevent ferry operations, construction, or maintenance employees from performing their normal duties, the Department of Transportation, to the extent permitted by law, is authorized to grant such employees time off with pay with the hours charged to the Compensatory Time Taken Account, provided that such advanced time must be repaid by the employee at a time, and in the most appropriate manner as determined by the department within the following twelve months or at termination, whichever is sooner.
- c. **Standby Pay.** It is expressly provided that the Department of Transportation, to the extent permitted by law, may pay compensation for on-call time at the following rates: credit for one hour worked per day on-call during the normal work week, and two hours worked per day on-call during weekends and holidays; this credit would be in addition to actual hours worked during normal duty hours or while on-call. Nonexempt employees who work a normal 40 hour work week, and also work on-call duty, will receive FLSA overtime rates for the on-call duty.
- d. **Pay for Regular Compensatory Time.** It is expressly provided that the Department of Transportation, to the extent permitted by law, may pay FLSA exempt and FLSA nonexempt employees on a straight-time basis for work on a holiday or for regular compensatory time hours when the taking of regular compensatory time off would be disruptive to normal business functions.
- e. **Hazardous Duty Pay.** To more adequately compensate employees who perform hazardous duties for the state, the Department of Transportation is authorized to compensate employees who perform underwater bridge inspections or perform declared emergency response duties an additional rate of pay of up to \$25 per hour for actual time spent performing these duties.
- f. **Evening, Night, and Weekend Shift Pay.** Notwithstanding other provisions in this Act, the Department of Transportation may pay an additional evening shift or night shift differential not to exceed 15 percent of the pay rate to employees who work the 3:00 p.m. to 11:00 p.m. shift, or its equivalent, or who work the 11:00 p.m. to 7:00 a.m. shift, or its equivalent. An additional weekend shift salary differential not to exceed 5 percent of the pay rate may be paid to employees. The weekend shift salary differential may be paid to an eligible individual in addition to the evening shift or night shift salary differential.

17. Bond Programs. The Department of Transportation:

- a. in accordance with Section 49-k of Article III of the Texas Constitution; is hereby appropriated during each year of the biennium:
 - (1) all revenue of the state that is dedicated or appropriated to the Texas Mobility Fund No. 365 in accordance with Section 49-k (e) of Article III of the Texas Constitution, and such funds shall be deposited as received into the Texas Mobility Fund No. 365;

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- (2) all available funds in the Texas Mobility Fund No. 365, including any investment income, for the purposes outlined in Chapter 201, Subchapter M, Transportation Code; and
 - (3) such amounts to be transferred to the Texas Mobility Fund No. 365 in accordance with Section 49-k (g) of Article III of the Texas Constitution and Chapter 201, Subchapter M, Transportation Code, as may be necessary to make payments when due on any bonds, notes, other obligations, or credit agreements issued or entered into pursuant to Chapter 201, Subchapter M, Transportation Code, to the extent that the available funds in the Texas Mobility Fund No. 365 are insufficient for such purposes.
- b. in accordance with Subchapter N of Chapter 201, Transportation Code, is authorized during the biennium to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed in anticipation of a temporary cash shortfall in the State Highway Fund No. 006.
 - c. in accordance with Section 49-m of Article III of the Texas Constitution and Section 201.115 of Chapter 201, Transportation Code, is authorized to pay in addition to amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, debt service payments for notes issued or money borrowed on a short-term basis to carry out the functions of the department.
 - d. in accordance with Section 49-n of Article III of the Texas Constitution and Subchapter A of Chapter 222, Transportation Code, is authorized during each fiscal year of the biennium to pay out of amounts appropriated above from the State Highway Fund No. 006, or otherwise dedicated or appropriated to such fund or available therein, amounts due under bonds, other public securities and bond enhancement agreements that are issued or entered into to fund highway improvement projects and that are secured by and payable from revenue deposited to the credit of the State Highway Fund No. 006.
 - e. in accordance with Section 49-p of Article III of the Texas Constitution and State law, the Department is hereby appropriated, and in compliance with the bond resolutions authorized to transfer, during each year of the biennium the funds out of the General Revenue Fund as may be necessary to make payments when due on any bonds, notes, other obligations or credit agreements issued or entered into by the Commission. Prior to the expenditure of funds appropriated out of the General Revenue Fund, the Department shall utilize any balances available in interest and sinking funds for such purpose. The Department is also hereby appropriated all amounts available in such interest and sinking funds, including any unexpended balances in these funds, for making payments when due on any such bonds, notes, other obligations or credit agreements.

18. Additional Funds.

- a. Except during an emergency as defined by the Governor, no appropriation of additional State Highway Funds above the estimated appropriation amounts identified above in the Method of Financing for the Department of Transportation as State Highway Fund No. 006, State Highway Fund No. 006 - Toll Revenue, and State Highway Fund No. 006 - Concession Fees may be expended by the Department of Transportation unless:
 - (1) the Department of Transportation submits a separate report within forty five (45) days of the end of the second quarter of each fiscal year to the Legislative Budget Board and the Governor outlining any additional funds available above amounts estimated for the 2012-13 biennium, their anticipated uses and projected impacts; and,
 - (2) the Legislative Budget Board and the Governor issue a written approval or specify an alternate use for the additional funds.
- b. The limitation in subsection (a) of this rider does not apply to the expenditure of funds received from governmental entities for purposes of reimbursing State Highway Fund No. 006 for expenses incurred with transportation projects or the expenditure of funds received as reimbursements for authorized services that are otherwise appropriated by Section 8.03, Article IX, of this Act.

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19. **Local Government Assistance.** The Department of Transportation, pursuant to Texas Transportation Code § 201.706, may use funds appropriated by this Act to assist cities with the maintenance of city streets by providing engineering/maintenance expertise on roadway maintenance and when surplus materials are available, the department shall make available the surplus materials to any local government needing such materials.
- For those cities that adopt or have adopted either a street use fee for maintenance or a specialized fee for street accessibility improvements as part of their local utility fees, the Department is authorized to use funds appropriated by this Act to coordinate its accessibility programs with those cities including providing engineering expertise where possible.
20. **Appropriations Limited to Revenue Collections: Rail Safety.** It is the intent of the Legislature that revenues collected and deposited to the General Revenue Fund from the assessment of fees on railroad operators pursuant to Section 111.101, Transportation Code, cover, at a minimum, the cost of general revenue appropriations made above in Strategy E.1.5, Rail Safety, as well as covering "other direct and indirect costs" associated with such general revenue appropriations. "Other direct and indirect costs" associated with such general revenue appropriations are estimated to be \$308,909 for fiscal year 2012 and \$329,025 for fiscal year 2013. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.
21. **Road Construction and Maintenance at State Facilities.** Out of funds appropriated above, the Department of Transportation shall:
- a. maintain paved surfaces on the State Capitol Grounds according to the Historic Capitol Grounds Master Plan adopted by the State Preservation Board;
 - b. construct, repair, and maintain roads in and providing access to and from Department of State Health Services and Department of Aging and Disability Services mental health and mental retardation facilities;
 - c. expend no more than \$10,000,000 each fiscal year to construct and maintain state park roads.
22. **Comprehensive Development Agreements.** The Department of Transportation may not expend any funds appropriated by this Act to enter into a comprehensive development agreement or any agreement granting a private entity the right to finance, operate, and/or collect revenue from a toll project, unless:
- a. the department submits a report to the Legislative Budget Board, in the format prescribed by the Legislative Budget Board, that provides information regarding the location, project costs, and projected benefits to the state for each project proposed under a comprehensive development agreement; and
 - b. the Legislative Budget Board issues a written approval.
23. **Appropriation of Concession Fees and Payments Received under a Comprehensive Development Agreement.** The Department of Transportation may not expend any amounts from payments received by the department under a comprehensive development agreement and deposited to the State Highway Fund, pursuant to Transportation Code § 228.005, including applicable concession fees, or from payments and surplus toll project revenues received under other toll facility agreements during the biennium and that are not appropriated above unless:
- a. the department submits a report to the Legislative Budget Board and the Governor, in the format prescribed by the Legislative Budget Board, outlining the amount of funds available from such payments received by the department, the department's anticipated uses of such funds, and their projected impacts; and
 - b. the Legislative Budget Board and the Governor issue a written approval.

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24. Limitation on Expenditures for Contracts.

- a. Without the prior approval of the Legislative Budget Board, the Department of Transportation shall not use funds appropriated above to enter into any contract with a private participant for the construction, maintenance, or operation of a road or highway in the State of Texas that:
 - (1) contains any provision that would guarantee or ensure a return on investment;
 - (2) would reduce the risk of the private participant as a result of any action taken by the department or the State of Texas;
 - (3) would limit or penalize the expansion of other department run facilities designed to reduce congestion;
 - (4) fails to contain a stated buy back provision that can be calculated without using estimates of future revenues; or
 - (5) contains any possible financial liability that could be inherited by the department, the State of Texas, or any other state agency.
- b. The Legislative Budget Board may consider a request from the Department of Transportation to expend funds appropriated above to enter into a contract containing any of the criteria specified in this rider. A request submitted by the department under this provision must include information regarding the location, project costs, and projected benefits to the state for each project proposed under such contracts.

25. Miscellaneous Provisions Related to Toll Road and Trans-Texas Corridor Projects.

- a. **Access to Records Relating to Trans-Texas Corridor.** The Department of Transportation shall spend appropriations available for the purpose under this Act to achieve transparency in the department's functions related to the Trans-Texas Corridor by providing, to the greatest extent possible under the public information law (Chapter 552, Government Code) and other statutes governing the access to records, public access to information collected, assembled, or maintained by the department relating to the Trans-Texas Corridor.
 - b. **Accuracy of Developers' Assumptions in Trans-Texas Corridor 35 Project.** Money appropriated by this Act may not be spent in connection with a contract entered into by the Department of Transportation under Section 227.021, Transportation Code, related to the Trans-Texas Corridor 35 project, unless the department implements a process to obtain assurance regarding the reasonableness of the assumptions that the contracted developers use in developing plans and financial projections for the Trans-Texas Corridor 35 project.
 - c. **Financing Costs Associated with Mid-term Road Facilities and Long-term Road Facilities.** The Department of Transportation may not use money appropriated by this Act to implement a master development plan unless the plan includes the financing costs associated with the mid-term road facilities and long-term road facilities.
- 26. Colonia Projects.** The amounts appropriated above in Strategy B.1.3, Construction Grants & Services, from General Obligation Bond Proceeds include \$24,000,000 in new appropriations for fiscal year 2012 to provide financial assistance for colonia access roadway projects. Any unexpended balances of these funds remaining as of August 31, 2012, are hereby appropriated to the Department of Transportation for the fiscal year beginning September 1, 2012, for the same purpose.
- 27. Public Transportation.** Notwithstanding other transfer provisions in Article IX of this Act, appropriations made to the Department of Transportation in Strategy D.1.1, Public Transportation, from the State Highway Fund shall not be reduced.
- 28. Crash Records Information System.** Included in the amounts appropriated above in Strategy D.2.1, Traffic Safety, is \$750,000 in fiscal year 2012 and \$750,000 in fiscal year 2013 from General Revenue - Insurance Companies Maintenance Tax and Insurance Department Fees for ongoing maintenance of the Crash Records Information System.

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29. **Sunset Contingency.** Funds appropriated above for fiscal year 2013 for the Department of Transportation are made contingent on the continuation of the Department of Transportation by the Eighty-second Legislature. In the event that the agency is not continued, the funds appropriated for fiscal year 2012 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.
30. **Sale of Surplus Property.** Notwithstanding the provisions of Article IX, Sec. 8.04, Surplus Property, in this Act, all receipts from the sale of Department of Transportation surplus property, equipment, commodities, or salvage (including recycled products), pursuant to the provisions of Chapter 2175, Government Code, are appropriated to the Department of Transportation for expenditure during the fiscal year in which the receipts are received to carry out the functions of the department, specifically including implementing Chapter 91, Transportation Code. The Department of Transportation may spend no more than \$500,000 in a fiscal year for implementing Chapter 91, Transportation Code, from funds appropriated by this rider.
31. **State Highway 121 Project Subaccounts.** The amounts appropriated above to the Department of Transportation in Goal H, Develop SH 121 Subaccount Projects, are made from fund balances and interest earnings on fund balances held in State Highway 121 toll project subaccounts in the State Highway Fund.
32. **Limitation on Expenditures: Prohibition on Lobbyists.** The Department of Transportation shall not expend any money appropriated above for the purpose of selecting, hiring, or retaining a person required to register under Chapter 305, Government Code, or the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq), unless such an expenditure is allowed under state law.
33. **Limitation on Use of Funds.** No funds appropriated above may be used to change the location of the current exit ramp off of IH-35 at exit number 359 by more than 1,000 feet, unless the Department of Transportation first provides to the Legislative Budget Board written correspondence from the federal government demonstrating that the ramp must be moved in order to prevent the loss of federal funds other than the funds that would be used to move the exit ramp or that this prohibition would cause the Department of Transportation to be in violation of federal law or regulations.
34. **Appropriations from Proposition 12 General Obligation Bond Proceeds: Unexpended Proceeds from Prior Fiscal Biennium.** Out of the amounts appropriated above to the Department of Transportation from Proposition 12 General Obligation Bond Proceeds, the amounts of \$109,756,223 in fiscal year 2012 and \$35,161,347 in fiscal year 2013 are from unexpended balances of proceeds from the issuance and sale of bonds appropriated to the department and approved for expenditure by the Governor and the Legislative Budget Board for the 2010-11 biennium that are anticipated to be remaining as of August 31, 2011. Any unobligated balances of Proposition 12 General Obligation Bond Proceeds appropriation authority remaining as of August 31, 2011, that were approved for expenditure by the Governor and the Legislative Budget Board for the 2010-11 biennium are appropriated for the fiscal biennium beginning September 1, 2011.
35. **Unexpended Balance Appropriation: Rail Projects.** Any unexpended balances of General Revenue Funds remaining as of August 31, 2011, from General Revenue appropriations made to the Department of Transportation in Strategy A.1.2, Contracted Planning and Design, in the 2010-11 biennium for the purposes of rehabilitation and track improvements for the South Orient Rail Line from San Angelo to Coleman and for environmental review and other preliminary planning activities for the Austin-San Antonio passenger rail project (estimated to be \$0) are hereby appropriated to the Department of Transportation in the fiscal biennium beginning September 1, 2011, for the same purposes.
36. **Study on Road Damage Caused by Oversized and Overweight Vehicles.** Out of funds appropriated above, the Department of Transportation shall evaluate the damage that oversized and overweight vehicles cause on roads including exempt vehicles such as agricultural, garbage collection, grocery, produce, farm produce, concrete, milk, timber, and rock vehicles. Based on this evaluation, the Department of Transportation shall provide recommendations for permit fee and fee structure adjustments, including the highway maintenance fee, to the Governor and the Legislative Budget Board by December 1, 2012.
37. **Contingency for Increasing the State Traffic Fine.** Contingent on the enactment of House Bill 1233 or House Bill 258, or similar legislation relating to an increase in the state traffic fine, by the Eighty-second Legislature, Regular Session, 2011, the Department of Transportation is appropriated \$5,000,000 for fiscal year 2012 and \$5,000,000 for fiscal year 2013 from General

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Revenue Funds to implement the provisions of the legislation to enhance traffic safety and provide additional grants to law enforcement agencies to increase enforcement on weekend and holiday periods. This appropriation is contingent upon certification by the Comptroller of Public Accounts that revenue generated from the increase in the state traffic fine imposed by the legislation generates at least \$5,000,000 in fiscal year 2012 and \$5,000,000 in fiscal year 2013.

- 38. Battleship TEXAS.** Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$16,090,050 in federal Transportation Enhancement Program funds administered by the department for the Battleship TEXAS project if the Battleship TEXAS project meets federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Parks and Wildlife Department in conjunction with the Texas Department of Transportation will review the Battleship TEXAS project to determine if the Battleship TEXAS project meets the federal Transportation Enhancement Program guidelines in Title 23 of the United States Code. It is the intent of the Legislature that funds appropriated above would cover the administration costs of the Battleship TEXAS project approved for federal Transportation Enhancement Program funds. If the project has received the necessary approval and funding from Federal Transportation Enhancement program funds at the levels prescribed by the Eighty-first Legislature prior to the enactment of this Act, the amount of federal Transportation Enhancement funds designated by this provision shall not be construed to be an amount in addition to the amounts designated in Rider 42, Battleship TEXAS, Article VII, Department of Transportation, Senate Bill 1, General Appropriations Act, Eighty-first Legislature, 2009.

In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for the Battleship TEXAS project under the Transportation Enhancement Program to other available projects should the Battleship TEXAS project fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.

- 39. Clothing Provision.** The department may provide a cleaning allowance for Travel Information Center personnel and ferry operations personnel not to exceed \$500 per year.
- 40. Unexpended Balances Appropriation: Management Information System and Enterprise Resource Planning System.** Any unobligated and unexpended balances remaining in the Management Information System and Enterprise Resource Planning System Capital Budget Items as of August 31, 2011, that were appropriated for the 2010-11 biennium (estimated to be \$0) are hereby appropriated for the fiscal biennium beginning September 1, 2011, for the same purpose.
- 41. Unexpended Balances Appropriation: Proposition 12 General Obligation Bonds Debt Service.** Included in the amounts appropriated above to the Department of Transportation in Strategy G.1.1, General Obligation Bonds, from the General Revenue Fund, is an amount not to exceed \$64,410,728 in fiscal year 2012 from unexpended balances of General Revenue Funds anticipated to be remaining as of August 31, 2011, from appropriations made to the Department of Transportation in Strategy F.1.1, General Obligation Bonds, in the 2010-11 biennium for debt service payments on Proposition 12 General Obligation Bonds.
- 42. Appropriations from Proposition 12 General Obligation Bond Proceeds for Bridge, Safety, Connectivity, and Congestion Relief Projects.**

Out of funds appropriated above, \$3 billion of Bond Proceeds - GO Bonds (Proposition 12, 2007) shall be used to fund projects that will relieve congestion, enhance bridge and roadway safety, and connect the state's population centers.

- a. The Department of Transportation shall use \$300 million of this amount to acquire right of way, conduct feasibility studies and project planning, and outsource engineering work for the most congested roadway segments in each of the four most congested regions of the state that are included in the 50 most congested roads in the state as listed on the State's Top 100 Most Congested Roadways list as of January 1, 2011. These funds shall be allocated by the Texas Transportation Commission to those regions using the formula used to allocate funds among the Transportation Management Areas in Category 2, Metropolitan and Urban Area Corridor Projects, in the department's Unified Transportation Program. The Department of Transportation shall provide \$3 million out of State Highway Funds appropriated above to the Texas Transportation Institute for the purposes of:

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- (1) serving as a facilitator and project coordinator of studies to be conducted by the four most congested regions to:
- i. determine which projects would have the greatest impacts considering such factors as congestion, economic benefits, user costs, safety, and pavement quality;
 - ii. identify funding options to support completion of the projects and suggest the best use of future revenues for the projects;
 - iii. include implementation of best traffic and demand management practices;
 - iv. ensure open and transparent public participation;
 - v. make recommendations to the Department of Transportation at each major decision point for the projects; and
- (2) reporting the preliminary findings and results to the Eighty-third Legislature and the Transportation Commission no later than September 1, 2012.
- b. The department shall use \$3 million out of appropriations from Bond Proceeds - GO Bonds (Proposition 12, 2007) for the purpose of reimbursing State Highway Fund No. 006 for funds provided to the Texas Transportation Institute in subsection (a) of this rider.
- c. The department shall use \$500 million of this amount to fund the bridge projects listed below. These General Obligation Bond Proceeds may only be used to develop and construct the necessary bridge elements as determined by the Texas Transportation Commission. If the amount of General Obligation Bond Proceeds expended for the bridges listed below is less than \$500 million, the Texas Transportation Commission may allocate the remaining General Obligation Bond Proceeds to other eligible bridge projects.
- | District | County | Feature Crossed | Facility Carried |
|------------|---------------|-----------------------------|------------------|
| Dallas | Dallas | Trinity River | IH 30 |
| Dallas | Dallas | Trinity River and Brazos St | IH 35E SB & NB |
| Beaumont | Orange | Neches River | IH 10 |
| Houston | Harris | IH 10 | Elysian Street |
| Paris | Hunt | Lake Tawakoni | SH 276 |
| Dallas | Dallas | IH 30, US 75 & DART | IH 345 SB & NB |
| San Angelo | Tom Green | US 277 | US 67 SB & NB |
| Childress | Knox | Brazos River | SH 6 |
| Childress | Collingsworth | Red River | SH 203 |
- d. The commission shall allocate \$600 million of this amount statewide to fund metropolitan and urban mobility projects, using the formula used to allocate funds in Category 2, Metropolitan and Urban Area Corridor Projects, in the department's Unified Transportation Program.
- e. The department shall use \$200 million of this amount to fund statewide connectivity projects selected by the commission.
- f. The commission shall allocate \$1.4 billion of this amount statewide to fund rehabilitation and safety projects using the formula used to allocate funds in Category 1, Preventive Maintenance and Rehabilitation, in the department's Unified Transportation Program.
43. **New Letting for the 2012-13 Biennium.** It is the intent of the Legislature that the Department of Transportation use funds appropriated above to award at least \$8,560.8 million in new multi-year highway construction improvement, rehabilitation, and preservation contracts during the 2012-13 biennium.
44. **Funds for Research of Methods to Maximize Toll Revenues.** Out of amounts appropriated above in Strategy A.1.4, Research, the Department of Transportation shall provide necessary funds, not to exceed \$250,000 for the biennium, to the Texas Transportation Institute to complete a study of methods to maximize toll revenues.

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45. **Transportation Development Credits.** The Texas Department of Transportation shall make it a priority to utilize transportation development credits as the required match in a manner that would maximize the utilization of federal funds on eligible projects. The state funds then no longer needed to be used as the required federal match should then be available to be targeted to priority projects in an effort to streamline their delivery.
46. **Contingent Revenue: Highway Beautification.** Out of the amounts appropriated above to the Department of Transportation in Strategy C.1.4, Routine Maintenance, the amounts of \$259,121 in fiscal year 2012 and \$270,807 in fiscal year 2013 from GR Dedicated - Texas Highway Beautification Account No. 071 are contingent upon the Department of Transportation assessing or increasing fees sufficient to generate, during the 2012-13 biennium, \$626,665 in excess of \$1,247,000 (Object Code 3052), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2012 and 2013. Also, the number of "Full-Time-Equivalents (FTE)" figure indicated above includes 3 FTEs in each fiscal year contingent upon the Department of Transportation generating the amount of revenue indicated above. The Department of Transportation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Department of Transportation's minutes and other information supporting the estimated revenues to be generated for the 2012-13 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$529,928 and other direct and indirect costs (estimated to be \$96,737 for the 2012-13 biennium).
47. **Contingency for Public Education about Ban on Wireless Device Use While Driving.** Contingent on enactment of Senate Bill 138, or similar legislation relating to the institution of a traffic violation for use of a wireless communication device while driving, by the Eighty-second Legislature, Regular Session, 2011, the Department of Transportation is appropriated \$500,000 for fiscal year 2012 and \$500,000 for fiscal year 2013 from the General Revenue Fund generated from Driver Responsibility Program collections to implement the provisions of the legislation and conduct public awareness and education about the ban on the use of wireless communication devices use while driving. This appropriation is contingent upon the Comptroller of Public Accounts certifying that revenue collections from surcharges assessed on traffic violations due to the ban on wireless communication devices established by this legislation will exceed amounts included in the Biennial Revenue Estimate for the Drivers Responsibility Program by at least \$500,000 in fiscal year 2012 and \$500,000 in fiscal year 2013.
48. **Federal Funding for the Texas Rail Plan.** The Department of Transportation shall make it a top priority to seek, obtain, maximize, and expend federal funding for rail and other related multi-modal transportation funding, including rail relocation and improvement funds from the Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration. Contingent upon the availability and receipt of federal rail and other related federal multi-modal funds to the State, such federal funds are appropriated to the Texas rail relocation and improvement fund for implementation of the Texas Rail Plan. To the extent that such federal funding is identified, but requires the matching by or commitment of state dollars, an amount not to exceed \$50 million is allocated, for fiscal years 2012 and 2013, to the Texas rail relocation and improvement fund for such purpose from any amounts appropriated above to the Texas Department of Transportation that are not constitutionally dedicated for some other purpose. No amount of appropriations made to the Department of Transportation out of state funds may be allocated to the Texas rail relocation and improvement fund pursuant to the provisions of this rider unless the Department of Transportation submits a request to the Governor and the Legislative Budget Board that identifies the source of funds and items of appropriation from which the funds would be allocated and the Governor and the Legislative Budget Board issue written approval for the allocation.