

1 SB2
2 197680-3
3 By Senators Chambliss, Marsh, Reed, Singleton, Price,
4 Williams, Ward, Sessions, Elliott, Scofield, Stutts, Holley,
5 Givhan, Melson, Livingston, Chesteen, Waggoner, Albritton,
6 Barfoot, Gudger, Butler, Whatley and Jones
7 RFD: Transportation and Energy
8 First Read: 06-MAR-19

1 SB2

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Permanent Joint Transportation
12 Committee; to amend Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4,
13 29-2-6, and 29-2-8, Code of Alabama 1975; to provide for
14 technical corrections concerning the duties of the committee
15 as it relates to the Alabama Department of Transportation
16 long-range plan; to increase the number of members of the
17 Committee and specify their residency requirements; to provide
18 clarification of the long-range plan; and to provide
19 clarification of the Alabama Department of Transportation's
20 duties and information requirements to the Committee relating
21 to the long-range plan.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 29-2-1, 29-2-2, 29-2-3, 29-2-4,
24 29-2-6, and 29-2-8, Code of Alabama 1975, are amended to read
25 as follows:

26 "§29-2-1.

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

1 public funds expended; ~~all citizens and interested parties~~
2 should be aware of how ~~their highway dollars~~ funds will be
3 expended ~~well~~ as far in advance of ~~such~~ the actual
4 expenditures as possible; ~~and~~ because changing ~~of~~ routes
5 affect people's travel times and patterns as well as property
6 values, all plans for such changes should be transparent and
7 made known ~~to all citizens simultaneously~~ well in advance of
8 their implementation; ~~such a long-range program requires~~
9 ~~advance consideration of priority of highway construction and~~
10 ~~modification projects and of adequate budgets for highway~~
11 ~~construction, modification, maintenance, and administration~~
12 achieving an appropriate balance in highway decision making is
13 an important goal; and, ~~to the foregoing ends, it is desirable~~
14 ~~to create a permanent joint transportation committee of the~~
15 ~~Legislature which will develop expertise pertaining to highway~~
16 ~~matters within both legislative bodies and which will insure~~
17 ~~geographical balance in highway decision making~~ the
18 development of highway plans and budgets for their
19 implementation is a primary responsibility of the
20 Transportation Department working under the direction of the
21 Governor; effective highway state plans are well organized
22 with defined processes for identifying all potential sources
23 of innovation, including by not limited to, broad stakeholder
24 engagement and partnerships, shared performance metrics and
25 evidenced-based practices, adoption of the most cost effective
26 technology in materials and components of road and bridge
27 construction, and cost effective and efficient organizational

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

15 ~~This article shall be liberally construed in order~~
16 ~~to effect the purposes.~~

17 "§29-2-2.

18 "(a) There is hereby created a continuing permanent
19 joint transportation committee of the Legislature to be known
20 as the "Joint Transportation Committee." The committee shall
21 consist of ~~seven~~ twelve members of the Senate appointed by the
22 President of the Senate and ~~seven~~ twelve members of the House
23 of Representatives appointed by the Speaker of the House of
24 Representatives, one senator and one house member to be a
25 resident of each present United States congressional district
26 in the state and one senator and one house member to be a
27 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~~
26 ~~given to each member at least five days in advance or without~~
27 ~~notice upon unanimous consent of the members of the Joint~~

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

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

15 "§29-2-4.

16 "(a) On or before January 31 of each year, any
17 county or city required to report local motor fuel excise tax
18 rate information to the Department of Revenue pursuant to Act
19 1998-192 shall provide a similar report to the department
20 regarding the total amount of local motor fuel excise tax
21 revenues collected by the county or city for the immediately
22 preceding fiscal year and the total amount of the revenues
23 expended on road and bridge maintenance and improvement during
24 that same fiscal year. The department shall collect the
25 information and deliver a report to the Joint Transportation
26 Committee on or before March 31 of each year.

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

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

1 ~~system, which long-range plan shall commence with the fiscal~~
2 ~~year of the state beginning October 1, 1989. Prior to any~~
3 ~~deviation from the intent of the five-year plan, the Joint~~
4 ~~Transportation Committee shall review and concur in the~~
5 ~~deviation, except commitments for highway projects necessary~~
6 ~~for new or expanded industry. Commitments for these industry~~
7 ~~projects shall be included in the next quarterly report by the~~
8 ~~Department of Transportation. The plan shall be updated~~
9 ~~annually. The plans in appropriate form shall be made~~
10 ~~available to all government agencies and all members of the~~
11 ~~public and news media.~~

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

22 "(3) The Transportation Department's requested
23 budget for the following fiscal year shall be presented to the
24 Joint Transportation Committee at the last quarterly meeting
25 of the year. It shall review the budget for highway
26 construction, maintenance, operation, and administration of
27 the Department of Transportation proposed by the

1 Transportation Department on an annual basis, which budget
2 review shall be reviewed completed not later than the
3 fifteenth legislative day of each annual session of the
4 Legislature first quarterly meeting of each year. The Joint
5 Transportation Committee shall report on the budget requests
6 of the Transportation Department to the House Ways and Means
7 General Fund Committee and the Senate Finance and Taxation
8 General Fund Committee and may make recommendations about the
9 budget to the committees.

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

18 "(5) The Transportation Department shall prepare and
19 submit for review by the Joint Transportation Committee a
20 long-range plan for the Department utilizing objective
21 prioritization criteria consistent with the factors described
22 in subdivision (11) at the first quarterly meeting of the
23 year. The plan shall include a narrative of the condition of
24 the Transportation Department as well as forward looking
25 challenges and opportunities. The intent of this requirement
26 is to allow the Joint Transportation Committee to assist in
27 avoiding future problems and challenges and to assist in the

1 development of goals for the Transportation Department. This
2 plan may be incorporated into the Annual Report as required by
3 Section 23-1-35, Code of Alabama 1975 or be prepared as a
4 separate document.

5 ~~"(4)~~ (6) It shall issue a report to the Governor,
6 Lieutenant Governor, House of Representatives, and Senate, ~~and~~
7 ~~public~~ within 30 days of the first quarterly meeting ~~the first~~
8 ~~10 legislative days of each annual regular legislative~~
9 ~~session,~~ comparing actual performance of the ~~Department of~~
10 Transportation Department in terms of highway construction,
11 maintenance, and costs of the same, to the original plan for
12 the immediate preceding fiscal year as well as the five
13 preceding fiscal years. It shall also make this report
14 available to the public within forty (40) days of the first
15 quarterly meeting.

16 ~~"(5)~~ (7) It shall recommend to the Governor
17 necessary funding for ~~Department of~~ future Transportation
18 Department budgets to the extent necessary beyond funds
19 already provided by law.

20 ~~"(6)~~ (8) It may retain the services of ~~outside~~
21 consultants, if necessary, and consult with other groups and
22 individuals, including public interest groups, interested
23 individuals, and appropriate ~~departments of the University of~~
24 ~~Alabama, Auburn University, and other~~ state educational
25 institutions.

26 ~~"(7)~~ (9) It may hold public hearings, shall make
27 diligent inquiry and a full examination of the long-range

1 future highway needs of the state, and shall file all reports
2 of its findings and recommendations with both houses of the
3 Legislature and with the Governor.

4 "~~(8)~~ (10) It may call witnesses and do all things
5 necessary or convenient in connection with and all things
6 incidental to performance of the foregoing duties and powers.

7 "~~(9)~~ (11) In performing its functions, the Joint
8 Transportation Committee shall take into consideration, in
9 ~~determining~~ reviewing plans for highway construction and
10 maintenance, among other factors all of the following:

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

14 "b. Industrial and agricultural growth;;

15 "c. Transportation safety;;

16 "d. Ecological impacts of transportation projects;;

17 "e. Recreation and tourism;;

18 "f. Traffic density;;

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

20 "h. Implications on the operation of public safety
21 and first responder vehicles.

22 "i. Priority to projects in a location with an
23 independent local assessment.

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

26 "§29-2-6.

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

1 for its placement in the STIP. Whenever the plan is amended
2 for any reason, the Transportation Department shall, within
3 seven calendar days of such amendment: (1) update the ALDOT
4 website to disclose the change(s) made to the plan and (2)
5 notify, in writing, the chair of the Joint Transportation
6 Committee of the change(s) made together with appropriate
7 explanation of the change(s). Upon written request from the
8 chair of the Joint Transportation Committee, the
9 Transportation Department shall provide copies of the notice
10 to all members of the Joint Transportation Committee.

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

15 "§29-2-8.

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

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

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Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 06-MAR-19

Read for the second time and placed on the calen-
dar 2 amendments..... 07-MAR-19

Read for the third time and passed as amended 08-MAR-19

Yeas 30
Nays 0

Patrick Harris,
Secretary.