Texas Department of Transportation

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Continue

• Continue the Texas Department of Transportation (TxDOT) for 12 years to allow the department to stabilize and focus on successfully implementing major ongoing improvement efforts.

Transportation Planning

• Require TxDOT to adopt one clear set of overall transportation system goals and measures to consistently carry through all planning documents to clearly articulate its vision for the future, measure progress, and be held accountable.

• Require TxDOT to publish an analysis illustrating the link between funding decisions in the Unified Transportation Program and progress toward overall transportation goals to fill an important information gap needed to understand the impact of the commission's funding decisions.

• Require TxDOT to create a prominently displayed online dashboard report clearly communicating the adopted goals for Texas' transportation system and regularly updating progress toward meeting them.

• Require TxDOT to evaluate a project's strategic need before and separately from other factors when selecting and prioritizing projects to ensure focus on projects with the greatest potential impact on transportation goals.

• Require TxDOT to clarify roles and responsibilities of the department and planning organizations through a rulemaking process to ensure effective collaboration in using significant new funding.

• Require TxDOT to adopt rules streamlining and clarifying public information requirements relating to changes to the Unified Transportation Program to promote more meaningful public engagement.

• Require a public hearing for projects that substantially change the layout or function of a connecting roadway or existing facility, including the addition of managed lanes, high-occupancy vehicle lanes, bicycle lanes, bus lanes, and transit lanes.

• Require TxDOT to regularly evaluate and make improvements to the online project tracker system and adopt related rules to improve the quality of the system and ensure full transparency.

• Direct TxDOT to develop materials to increase awareness and use of the online project tracker tool for local elected officials. (Management action – nonstatutory)

• Request the House Committee on Transportation and the Senate Committee on Transportation to provide necessary oversight of the state's significant transportation investment and TxDOT's progress toward performance-based planning, with detailed status reports and information provided by TxDOT as needed. (Request to Legislative Committees – nonstatutory)
Project Development

- Require TxDOT to finalize implementation of its new project portfolio review process and publicly share resulting performance information to ensure TxDOT completes new efforts to monitor project development and improves communication with diverse stakeholders.

- Direct TxDOT to provide regular analysis and monitoring reports to the Transportation Commission about the department’s efforts to correct past issues with underperformance in key budget measures, letting controls, and right-of-way backlogs to resolve past issues and prepare for the future. (Management action – nonstatutory)

- Direct TxDOT to develop a more risk-based, cross-functional focus to its internal project development activities to mitigate potential problems with the department’s most complex projects. (Management action – nonstatutory)

- Direct TxDOT to regularly report on its progress implementing the Modernize Portfolio and Project Management system to ensure visibility and oversight of this important but high-risk project. (Management action – nonstatutory)

- TxDOT should make efforts to improve proactive external stakeholder outreach to avoid conflicts with future planned transportation projects. (Management action – nonstatutory)

Contracting

Traditional Low–Bid Highway Contracts

- Require TxDOT to include a range of contract remedies in its traditional low-bid highway contracts to address contractor performance problems more quickly instead of allowing delays to escalate.

- Require TxDOT to adopt rules implementing the existing statutory requirement to reflect accurate costs of project delays in liquidated damages to ensure TxDOT and taxpayers are fully compensated.

- Require TxDOT to conduct contractor evaluations and consider past performance in determining bid capacity to allow TxDOT to encourage project awards to contractors with proven ability to complete quality, timely work.

- Direct TxDOT to develop clear criteria for applying sanctions to improve its currently subjective process. (Management action – nonstatutory)

- Direct TxDOT to develop and implement a process for regular, centralized monitoring of construction contract delays to allow department management to identify trends and more effectively address contractor performance. (Management action – nonstatutory)

- Require TxDOT to semiannually publish a report on all completed highway construction projects by department district, and include on-time, on-budget performance and change order information.

- Direct TxDOT to develop criteria for applying project incentives such as milestone incentives and A+B bidding to ensure optimal use of these tools to deliver projects faster. (Management action – nonstatutory)

- Direct TxDOT to update production rate information for estimating project timelines and establish a schedule for regular revisions to allow for accurate estimates of project time and help determine appropriate use of incentive tools. (Management action – nonstatutory)
• Prohibit TxDOT from awarding a highway contract to any contractor or subcontractor that does not participate in the federal E-verify program to confirm employment eligibility.

**Professional Engineering Contracts**

• Direct TxDOT to provide guidance for district management of construction engineering inspectors to efficiently use resources and ensure effective oversight of these expanding contracts. (Management action – nonstatutory)

• Direct TxDOT to better monitor and enforce the existing requirement to complete engineering contractor evaluations so that past performance can inform future procurements. (Management action – nonstatutory)

• Direct TxDOT to improve the availability of comparative information needed for districts to effectively negotiate the scope of work for professional engineering contracts. (Management action – nonstatutory)

**Oversight and Support of Newly Decentralized Functions**

• Direct TxDOT to develop additional training and monitoring processes to ensure districts effectively oversee large, complex contracts, such as design-build. (Management action – nonstatutory)

• Direct TxDOT to provide comprehensive guidance and monitoring for decentralized procurement of professional engineering services contracts to ensure effective oversight. (Management action – nonstatutory)

**Contract Review and Monitoring**

• Direct TxDOT to develop a risk-based approach to centrally reviewing contracts, freeing staff time to focus on the most high-risk contracts and address process bottlenecks. (Management action – nonstatutory)

• Direct TxDOT to update its signature authority based on risk, eliminating unnecessary delays while preserving the appropriate level of review. (Management action – nonstatutory)

• Direct TxDOT to develop and monitor performance measures for contract procurement to identify problem areas and inform process improvements. (Management action – nonstatutory)

**Coordination of Highway Closures**

• Require TxDOT to coordinate highway closures with local officials before entering into highway contracts, identify days a highway must not be closed in the contract, and provide an annual report of all highway closures and their economic impact.

**Business Opportunity Programs**

• Direct TxDOT to align its business opportunity goal setting with state and federal guidelines to more actively promote higher participation. (Management action – nonstatutory)

• Direct TxDOT to develop a standard process for addressing failure to meet business opportunity program goals and more actively improve future performance. (Management action – nonstatutory)
• Direct TxDOT to actively recruit new businesses for certification and provide training on contracting with TxDOT to improve overall participation. (Management action – nonstatutory)

• Direct TxDOT to improve central monitoring and support for its business opportunity programs to ensure more effective program oversight across the department. (Management action – nonstatutory)

• Direct TxDOT to evaluate the small business enterprise program and develop policies and rules to provide meaningful opportunities for small businesses. (Management action – nonstatutory)

• TxDOT should streamline certification to actively certify Small Business Enterprise-eligible businesses and increase participation of businesses eligible for multiple programs. (Management action – nonstatutory)

• Require TxDOT to implement the Sunset Commission’s management directives relating to the department’s business eligibility programs by March 1, 2018.

**Business Process Improvement**

• Direct TxDOT to centrally coordinate and track results of business process improvement efforts, including the use of private management consultant contracts, to ensure these often expensive efforts result in performance improvements. (Management action – nonstatutory)

• Direct TxDOT to consider implementing a rapid process improvement program similar to the Texas Workforce Commission model to improve the department’s ability to make meaningful, lasting operational improvements at a lower cost. (Management action – nonstatutory)

**District Oversight and Support**

• Direct TxDOT to actively and consistently monitor, evaluate, and report district performance to ensure visibility into district operations and effective performance evaluation. (Management action – nonstatutory)

• Direct TxDOT to improve communication and support functions to ensure districts’ needs are met. (Management action – nonstatutory)

**State Aircraft Fleet**

• Require TxDOT to provide a thorough range of analyses and options within its long-range fleet plan to help the Legislature make informed decisions about the future of the state aircraft fleet.

• Clarify TxDOT’s authority to include capital costs in flight services rates charged to customers if practicable, and create a subaccount within the State Highway Fund to set aside funds for future aircraft replacement.

• Tighten statutory criteria for use of state aircraft to prioritize cost effectiveness and need over convenience.

• Clarify statute to specify state agency heads are responsible for ensuring their employees’ use of state aircraft meets statutory criteria to provide clear accountability.

• Direct TxDOT to track specific statutory justifications for state aircraft use to allow better monitoring of overall compliance with the law. (Management action – nonstatutory)
• Direct TxDOT to adopt a clear internal policy governing the appropriate use of the state aircraft fleet by department staff and regularly monitor usage to ensure cost effectiveness. (Management action – nonstatutory)

Crash Reports
• Require law enforcement agencies to submit crash reports electronically to TxDOT by September 1, 2019 to save data entry resources TxDOT could use for other traffic safety efforts.
• Eliminate the wasteful administrative requirement to submit drivers’ crash report forms to TxDOT, which serve no government purpose

Standard Review Elements
• Update the standard across-the-board requirement related to board member training.
• Discontinue two of TxDOT’s reporting requirements and modify four others to improve efficiency.
• Require TxDOT to include analysis about the impacts of proposed passenger rail lines to the existing Long-Term Plan for Statewide Passenger Rail to provide additional information to decision makers.
• Direct TxDOT to more proactively implement and monitor its efforts to increase workforce diversity, including in management and executive levels where TxDOT particularly struggles. (Management action – nonstatutory)

Toll Roads
• Cap administrative fines for nonpayment of tolls on TxDOT-operated toll roads at $6 per transaction and $48 per year, and makes various changes intended to improve TxDOT’s toll billing process by March 1, 2018.
• Require toll project entities to repay certain funds provided by TxDOT, with exceptions for existing toll project subaccounts and projects whose environmental review process began on or before January 1, 2014.
• Prohibit TxDOT from converting non-tolled high-occupancy vehicle lanes to toll lanes, with exceptions for projects already being operated as a toll project or already included as part of the state’s air quality implementation plan on September 1, 2017.
• When complying with existing law limiting toll facility designations, require TxDOT to consider only general purpose lanes and not frontage roads in determining the number of non-tolled lanes of a highway or highway segment.
• Prohibit TxDOT from operating State Highway 255 as a toll road.
• If the Camino Real Regional Mobility Authority approves, convert the tolled portion of the Cesar Chavez Freeway to a non-tolled state highway, and advance any unexpended TxDOT funds from that project to the construction of the Loop 375 Border Highway West project in El Paso County.
Outdoor Advertising Sign Regulation

- Create a grandfathering provision to allow outdoor advertising signs existing on March 1, 2017 to reach up to 85 feet, and allow sign owners to rebuild grandfathered signs in the same location in the future as long as the new sign does not exceed the height of the previous sign.

- Prohibit TxDOT from requiring an electronic sign owned by the City of Laredo to be more than 500 feet from another sign.

Highway Designations and Aesthetic Decorations

- Designate 10 specific memorial highways and one bridge, and require TxDOT to design, construct, and erect highway markers only if the department receives private grants or donations to pay for them.

- Authorize TxDOT to enter into agreements with local governments, convention and visitors bureaus, chambers of commerce, and other entities to purchase supplies and materials for aesthetic entrances or ornamental decorations, and prohibit TxDOT from expending appropriated funds for these purposes.