



Senate Bill 977 (85R)/Rider 40 Report

TxDOT Report on State Funds Expended for High-Speed Rail Supervisory Purposes
Reporting Period from: March 1, 2020 to August 31, 2020

Pursuant to reporting requirements in Senate Bill (SB) 977, 85th Regular (85R) Legislative Session (2017) and Rider 40, General Appropriations Act (GAA), 86R, (2019), below is an account of the Texas Department of Transportation’s (TxDOT’s) full-time-equivalent hours and expenses related to private high-speed rail work. (See Appendix A. SB 977 and Rider 40 Language)

Specifically, SB 977 requires TxDOT to submit a report semi-annually to the Texas Transportation Commission, the Texas Comptroller, the House and Senate Transportation Committees, the Speaker of the House, the Lieutenant Governor and the Governor. The report shall include expenses related to TxDOT’s work with private high-speed rail associated with:

- Regulatory responsibilities,
- Oversight of transportation projects,
- Environmental review,
- Policy development,
- Communication with public officials, or
- Coordinating with a private entity that operates or proposes to operate high-speed rail in the same manner that the department coordinates with other entities that operate transportation projects.

Similarly, Rider 40, GAA, 86R requires TxDOT to prepare a report every six months summarizing the number of full-time-equivalent hours and expenses related to private high-speed rail work. This report is required to be distributed to members of the Legislature whose districts include a potential high-speed rail project and the chairs of the House and Senate Transportation Committees.

Type of Expense	Amount Expended
Salaries (FTE hours)	\$3,389.93 (55 hours)
Travel & other expenses	\$0.00
Total Expenses:	\$3,389.93



Appendix A.

Senate Bill 977 (85R) and Rider 40 (86R,GAA) Language

AN ACT

relating to the use of state money for high-speed rail operated by a private entity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 199, Transportation Code, is amended by adding Section 199.003 to read as follows:

Sec. 199.003. USE OF STATE MONEY FOR HIGH-SPEED RAIL.

(a) For the purposes of this section, "high-speed rail" means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

(b) Except as required by federal law or other state law, including the National Environmental Policy Act of 1969 (42 U.S.C. Section 4321 et seq.):

(1) the legislature may not appropriate money to pay for a cost of planning, facility construction or maintenance, or security for, promotion of, or operation of, high-speed rail operated by a private entity; and

(2) a state agency may not accept or use state money to pay for a cost described by Subdivision (1).

(c) A state agency shall prepare a semiannual report of each expense described by this section and submit a copy of each report to:

(1) the commission;

(2) the comptroller;

1 (3) the committee in each house of the legislature
2 with primary jurisdiction over transportation;

3 (4) the speaker of the house of representatives;

4 (5) the lieutenant governor; and

5 (6) the governor.

6 (d) This section is not intended to preclude or limit the
7 execution of the department's responsibilities under federal law or
8 other state law, including:

9 (1) regulatory responsibilities;

10 (2) oversight of transportation projects;

11 (3) environmental review;

12 (4) policy development;

13 (5) communication with public officials; or

14 (6) coordinating with a private entity that operates
15 or proposes to operate high-speed rail in the same manner that the
16 department coordinates with other entities that operate
17 transportation projects.

18 SECTION 2. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 977 passed the Senate on April 18, 2017, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 977 passed the House on May 21, 2017, by the following vote: Yeas 130, Nays 11, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

DEPARTMENT OF TRANSPORTATION

(Continued)

F.1.1, General Obligation Bonds, in any amount necessary to repay principal and interest on general obligation bonds. The Department of Transportation may transfer unexpended balances of State Highway Fund No. 006 - Proposition 7, 2015, appropriations remaining in Strategy F.1.1, General Obligation Bonds, to Strategy A.1.7, Proposition 7, 2015, after expenditures of such funds have been made for payments due on general obligation bonds during each fiscal year.

- c. Any unexpended balances of funds remaining as of August 31, 2019, from State Highway Fund No. 006 - Proposition 7, 2015, appropriations made to the Department of Transportation for the 2018-19 biennium (estimated to be \$0) are appropriated for the fiscal biennium beginning September 1, 2019, for the same purpose.

38. Port Access Improvements. Out of amounts appropriated to the Department of Transportation by this Act, an amount not to exceed \$20,000,000 in each fiscal year of the 2020-21 biennium from any available source of revenue and/or balances in Texas Mobility Fund No. 365 shall be allocated to provide funding for public roadway projects selected by the Port Authority Advisory Committee and approved by the Texas Transportation Commission to improve connectivity to Texas ports.

39. Toll Vendor Contracts. It is the intent of the Legislature that the Department of Transportation, to the extent permitted by law, consider including in its contracts for processing and billing of toll transactions provisions to provide incentives to encourage accurate assessing and billing of tolls, which may include compensated tolls per billing error to each recipient of improperly sent notices or bills.

40. Limitation on Expenditures for High-speed Rail.

- a. None of the funds appropriated above to the Department of Transportation from state funds may be used for the purposes of subsidizing or assisting in the planning, facility construction or maintenance, security for, or operation of high-speed rail operated by a private entity. If the Department of Transportation acts as a joint-lead agency with a federal agency under 40 C.F.R. Sec. 1506.2, this section does not prevent the Department of Transportation from using state funds to exercise its authority for oversight and coordination of federal processes and programs. For the purposes of this section, high-speed rail means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.
- b. The Department of Transportation shall prepare a report every six months summarizing the number of Full-Time-Equivalent (FTE) hours and expenses related to private high-speed rail work. The report shall be distributed to members of the Legislature whose districts include the potential high-speed rail projects and the chairs of relevant policy committees in each chamber.
- c. Nothing in this provision is intended to preclude or limit the Department of Transportation from executing its responsibilities under state or federal law including regulatory responsibilities, oversight of transportation projects, environmental review, policy development, and communication with public officials, or from coordinating with high-speed rail in the same manner as it treats other entities that work with the Department in the planning and coordination of their projects.

41. Unexpended Balances Appropriation: Construction of Buildings and Facilities and Repair or Rehabilitation of Buildings and Facilities. Any unobligated and unexpended balances of funds remaining as of August 31, 2019, that were appropriated to the Department of Transportation for the 2018-19 biennium for capital budget items in the Construction of Buildings and Facilities capital budget category (estimated to be \$0) and in the Repair or Rehabilitation of Buildings and Facilities capital budget category (estimated to be \$0) are appropriated for the fiscal biennium beginning September 1, 2019, for the same purpose.

42. Austin Campus Consolidation.

- (a) Notwithstanding other capital budget provisions contained elsewhere in this Act, and in accordance with Government Code Chapter 1232, the Texas Public Finance Authority is authorized to issue revenue bonds or other obligations on behalf of the Department of Transportation in an amount not to exceed \$326,000,000 for the purpose of constructing and equipping the Austin Campus Consolidation project on land owned by the Department of Transportation in southeast Austin for such purpose. From the proceeds of the issuance and