

OFFICE OF RURAL COMMUNITY AFFAIRS
(Continued)

8. **Administration of Public Health Funds.** Funds are appropriated above out of the Permanent Fund for Rural Health Facility Capital Improvement for the purpose of implementing House Bill 1676, Seventy-sixth Legislature, 1999. In no event shall the administrative costs to implement the provisions of the bill exceed three percent. Grants and program costs must compose at least 97 percent of the expenditures to implement the provisions of the bill.

9. **Informational Listing - Permanent Funds and Endowments.** The following is an informational list of the amounts used to capitalize certain Permanent Funds and Endowments created by House Bill 1676, Seventy-sixth Legislature and by Senate Bill 126, Seventy-seventh Legislature, and does not make appropriations.

Permanent Fund for Rural Health Facility Capital Improvement (Rural Hospital Infrastructure)	\$ 50,000,000
Permanent Endowment Fund for the Rural Communities Healthcare Investment Program	\$ 2,500,000

10. **Unexpended Balances, Grants, and Contracts.** Any unexpended and unobligated general revenue balances remaining from appropriations as of August 31, 2004 are hereby reappropriated to the Office of Rural Community Affairs for the fiscal year beginning September 1, 2004. The unexpended funds can be carried forward between fiscal years of the biennium.

DEPARTMENT OF TRANSPORTATION

	<u>For the Years Ending</u> August 31, 2004	<u>August 31,</u> 2005
A. Goal: TRANSPORTATION PLANNING		
To provide for the planning, design, research, management of a safe, comprehensive, durable, and economically maintainable and for the timely acquisitions of right-of-ways for a transportation system that is environmentally sensitive and supportive of economic growth and social prosperity.		
Outcome (Results/Impact):		
Project to Funding Ratio	1.1	1.1
Percent of Projects Awarded on Schedule	90%	90%
A.1.1. Strategy: PLAN/DESIGN/MANAGE Plan, design, and manage highway projects.	\$ 609,454,232	\$ 612,860,021
Output (Volume):		
Number of Construction Project Preliminary Engineering Plans Completed	803	803
Dollar Volume of Construction Contracts Awarded in Fiscal Year (Millions)	2,564	2,564
Number of Projects Awarded	864	864
A.1.2. Strategy: RIGHT-OF-WAY ACQUISITION Optimize timing of highway right-of-way acquisition.	\$ 300,000,000	\$ 325,000,000
A.1.3. Strategy: RESEARCH Fund and participate with state-supported colleges and universities in research and development programs that can improve transportation operations.	<u>\$ 22,101,060</u>	<u>\$ 22,617,952</u>
Total, Goal A: TRANSPORTATION PLANNING	<u>\$ 931,555,292</u>	<u>\$ 960,477,973</u>

DEPARTMENT OF TRANSPORTATION
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B. Goal: TRANSPORTATION CONSTRUCTION

To provide for the construction, reconstruction, and rehabilitation of the state highway system and general aviation infrastructures in an economically safe and comprehensive manner that is effective, efficient, and environmentally sensitive.

Outcome (Results/Impact):

Percent of Construction Projects Completed on Budget	75%	77%
Percent of Two-lane Highways with Improved Shoulders	40%	40.5%
Percent of Railroad Crossings with Signalization	44%	45%
Percent of Construction Projects Completed on Time	78%	80%
Urban Congestion Index	1.35	1.35
Statewide Congestion Index	1.07	1.09

B.1.1. Strategy: HIGHWAY CONSTRUCTION	\$ 2,795,950,500	\$ 2,801,470,708
		& UB

Contract for the construction of the highway system and facilities (estimated).

B.1.2. Strategy: AVIATION SERVICES	\$ 87,470,414	\$ 62,089,014
		& UB

Support and promote general aviation.

Output (Volume):

Number of Airports Selected for Financial Assistance	165	165
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Efficiencies:

Administration and Support Costs as a Percent of Facility Grant Funds Expended	3.9%	3.9%
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Total, Goal B: TRANSPORTATION CONSTRUCTION	\$ 2,883,420,914	\$ 2,863,559,722
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C. Goal: MAINTENANCE AND PRESERVATION

To provide for the systematic preservation of the highway system, fulfill non-federal sponsorship responsibilities for the Gulf Intracoastal Waterway, preserve and control state ferry systems, and control outdoor advertising and junkyards along interstate and primary Texas highways.

Outcome (Results/Impact):

Percent of Bridges Rated in Good Condition or Higher	82%	83%
Statewide Maintenance Assessment Program Condition Score	79	80
Statewide Traffic Assessment Program Condition Score	75	76

C.1.1. Strategy: CONTRACTED MAINTENANCE	\$ 546,374,620	\$ 566,815,372
		& UB

Contract for highway maintenance program.

Output (Volume):

Number of Lane Miles Contracted for Resurfacing	18,174	18,671
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C.1.2. Strategy: ROUTINE MAINTENANCE	\$ 489,105,158	\$ 504,365,825
		& UB

Provide for routine maintenance and operation of the state highway system and control outdoor advertising, junkyards, and auto graveyards.

Output (Volume):

Number of Oversize/Overweight Permits Issued	420,840	429,257
Number of Highway Lane Miles Resurfaced by State Forces	8,266	8,515

C.1.3. Strategy: GULF WATERWAY	\$ 1,596,791	\$ 248,969
		& UB

Support the gulf intracoastal waterway.

C.1.4. Strategy: FERRY SYSTEM	\$ 33,299,001	\$ 26,399,903
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Maintain and operate ferry systems in Texas.

Total, Goal C: MAINTENANCE AND PRESERVATION	\$ 1,070,375,570	\$ 1,097,830,069
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D. Goal: OPTIMIZE SERVICES AND SYSTEMS

To effectively and efficiently optimize transportation services, systems, programs, and resources.

Outcome (Results/Impact):

Percent Change in the Number of Public Transportation Trips	1.3%	1.3%
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DEPARTMENT OF TRANSPORTATION
(Continued)

Percent of Motor Vehicle Consumer Complaints Resolved	70%	70%
Number of Fatalities Per 100,000,000 Miles Traveled	1.7	1.6
D.1.1. Strategy: PUBLIC TRANSPORTATION	\$ 105,701,258	\$ 1,660,285 & UB
Support and promote public transportation.		
Efficiencies:		
Administration and Support Costs as a Percent of Grant Expended	2.27%	2.28%
D.1.2. Strategy: REGISTRATION & TITLING	\$ 65,045,646	\$ 64,724,617
Administer the provisions of the motor vehicle registration and titling statutes.		
Output (Volume):		
Number of Vehicle Titles Issued	6,446,402	6,704,258
Number of Vehicles Registered	18,885,708	19,225,651
D.1.3. Strategy: VEHICLE DEALER REGULATION	\$ 4,853,928	\$ 4,904,859
Administer the provisions of the Texas Motor Vehicle Commission Code.		
Output (Volume):		
Number of Motor Vehicle Consumer Complaints Resolved	950	950
Efficiencies:		
Average Number of Weeks to Resolve a Motor Vehicle Complaint Resolution	20	20
D.2.1. Strategy: TRAFFIC SAFETY	\$ 37,436,740	\$ 34,704,247 & UB
Identify problem areas and implement projects to reduce the number of and severity of traffic accidents through the Statewide Traffic Safety Program.		
D.3.1. Strategy: TRAVEL INFORMATION	\$ 19,199,221	\$ 19,831,794 & UB
Support and promote tourism.		
D.4.1. Strategy: AUTOMOBILE THEFT PREVENTION	\$ 10,432,265	\$ 10,022,990 & UB
Reduce the incidence of vehicle theft in Texas through prevention efforts and supporting motor vehicle theft laws.		
Output (Volume):		
Number of Cars Stolen Per 100,000	585	585
Efficiencies:		
Administration and Support Costs as Percentage of Total Expenditures	5.2%	5.2%
Total, Goal D: OPTIMIZE SERVICES AND SYSTEMS	<u>\$ 242,669,058</u>	<u>\$ 135,848,792</u>
E. Goal: INDIRECT ADMINISTRATION		
E.1.1. Strategy: CENTRAL ADMINISTRATION	\$ 36,534,501	\$ 34,522,677
E.1.2. Strategy: INFORMATION RESOURCES	\$ 32,283,807	\$ 28,606,495
E.1.3. Strategy: OTHER SUPPORT SERVICES	\$ 38,056,451	\$ 35,174,277
E.1.4. Strategy: REGIONAL ADMINISTRATION	<u>\$ 62,772,109</u>	<u>\$ 67,584,604</u>
Total, Goal E: INDIRECT ADMINISTRATION	<u>\$ 169,646,868</u>	<u>\$ 165,888,053</u>
Grand Total, DEPARTMENT OF TRANSPORTATION	<u><u>\$ 5,297,667,702</u></u>	<u><u>\$ 5,223,604,609</u></u>
Method of Financing:		
General Revenue Fund	\$ 520,246	\$ 38,246
GR Dedicated - Texas Highway Beautification Account No. 071	603,844	615,434
Federal Funds	2,359,491,828	2,301,738,663
<u>Other Funds</u>		
Appropriated Receipts	310,000	310,000
Bond Proceeds - General Obligation Bonds	35,000,000	30,000,000

DEPARTMENT OF TRANSPORTATION
(Continued)

State Highway Fund No. 006, estimated	2,901,741,784	2,890,902,266
Subtotal, Other Funds _____	\$ 2,937,051,784	\$ 2,921,212,266
Total, Method of Financing _____	\$ 5,297,667,702	\$ 5,223,604,609
Number of Full-Time-Equivalent Positions (FTE):	14,723.0	14,721.0
Number of FTEs in Riders:	172.0	172.0
Schedule of Exempt Positions:		
Executive Director, Group 6	\$155,000	\$155,000
Commissioner	(3) 15,914	(3) 15,914
Supplemental Appropriations Made in Riders:	\$ 55,900,261	\$ 55,902,491
Object-of-Expense Informational Listing:		
Salaries and Wages	\$ 561,408,662	\$ 571,706,063
Other Personnel Costs	16,964,730	18,041,751
Operating Costs	1,041,746,038	1,074,255,708
Professional Fees and Services	8,733,500	8,904,000
Consumable Supplies	54,575	53,675
Utilities	733,558	859,367
Travel	465,557	438,867
Rent - Building	402,784	407,805
Rent - Machine and Other	209,892	216,393
Other Operating Expense	34,349,687	36,495,197
Client Services	400,000	400,000
Grants	250,254,578	118,575,926
Capital Expenditures _____	3,437,844,402	3,449,152,348
Total, Object-of-Expense Informational Listing _____	\$ 5,353,567,963	\$ 5,279,507,100

1. **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.

	2004	2005
Out of the State Highway Fund No. 006:		
a. Acquisition of Land and Other Real Property	\$ 1,350,000	\$ 2,845,000
b. Construction of Buildings and Facilities	5,170,330	9,428,501
c. Repair or Rehabilitation of Buildings and Facilities	17,365,500	17,315,500

DEPARTMENT OF TRANSPORTATION
(Continued)

d. Acquisition of Information Resource Technologies	21,222,536	14,132,021
e. Transportation Items	8,625,937	10,488,468
f. Acquisition of Capital Equipment and Items	47,290,462	46,815,276
Total, Capital Budget	<u>\$ 101,024,765</u>	<u>\$ 101,024,766</u>

2. **Transfer Authority.** The Department of Transportation is hereby authorized to transfer appropriations from any Strategy into Strategy C.1.1, Contracted Maintenance, Strategy A.1.2, Right-of-Way Acquisition, and Strategy B.1.1, Highway Construction. In addition, funds may be transferred between Strategies, except that no funds may be transferred out of Strategies C.1.1, Contracted Maintenance, or A.1.2, Right-of-Way Acquisition, or B.1.1, Highway Construction, except that transfers may be made between those Strategies. The department may transfer an amount not to exceed 10 percent of the amounts appropriated in Strategy A.1.1, Plan/Design/Manage, in fiscal year 2004 and 10 percent of the amounts appropriated in Strategy A.1.1, Plan/Design/Manage, in 2005 from strategies C.1.1, Contracted Maintenance, A.1.2, Right-of-Way Acquisition, or B.1.1, Highway Construction, into Strategy A.1.1, Plan/Design/Manage, upon receiving written approval from the Legislative Budget Board and the Governor. Appropriations transferred upon approval may not be transferred to any other Strategy.

3. **Public Transportation Financing.** Funds appropriated above to Strategy D.1.1, Public Transportation include \$59,475,789 for the biennium from State Highway Fund No. 006. Of such funds, \$27,363,388 shall be allocated to § 5311 rural transportation contractors and \$10,118,747 shall be allocated to § 5307 urban public transportation contractors, and shall be exempt from the formula provisions provided by Chapter 456 of the Transportation Code.

4. **Magazine Appropriations.** The Department of Transportation Commission 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 \$5,177,266 for the 2004 fiscal year and \$5,203,415 for the 2005 fiscal year. Funds may be utilized only for the purpose of magazine costs. The Department of Transportation may transfer to Strategy D.3.1, from revenue available from prior years subscription fees, 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 VACS, Article 6144e.

5. **Road Utility District Provision.** The Comptroller of Public Accounts is authorized to transfer to State Highway Fund No. 006 all receipts deposited in the General Revenue Fund pursuant to Transportation Code § 441.011. Such funds are hereby appropriated for the biennium beginning with the effective date of this act for the purpose of defraying the costs of hearing and processing Road Utility District petitions. Any balance remaining after defraying such costs may be used by the department for the maintenance and construction of highways.

6. **Holiday Pay Provision.** Notwithstanding other provisions of this bill, the Department of Transportation 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.

7. **Compensatory Pay Provision.** In order to operate in the most economical manner, when inclement weather or other circumstances beyond the control of the department prevent construction or maintenance employees from performing their normal duties, the Department of Transportation is authorized to grant such employees time off with pay with the hours charged

DEPARTMENT OF TRANSPORTATION
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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.

8. **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.
9. **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.
10. **Underwater Bridge Inspections.** 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 an additional rate of pay of up to \$25 per hour for actual time spent performing underwater bridge inspections.
11. **Equal Employment.** To the maximum extent feasible, the department shall implement its Equal Employment Opportunity Plan to hire and promote qualified minority employees into vacant supervisory and management positions.
12. **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 and bridge tenders' buildings.
13. **Court Costs.** Any necessary amounts appropriated above may be used by the Department of Transportation to pay refunds authorized by law, and to pay court costs in suits involving the Department of Transportation. Such costs shall include payments for judgments, settlements, and other costs associated with right-of-way acquisition and inverse condemnation.
14. **License Plate Contracts.** Any necessary amounts appropriated above may be used by the Department of Transportation to reimburse the Department of Criminal Justice for the cost of manufacturing motor vehicle license plates, and the Department of Criminal Justice shall be reimbursed as license plates are delivered and invoices are rendered to the department. At the time manufacture is started, the Texas Building and Procurement Commission shall fix a price to be paid per license plate, and shall use as the basis for such price the costs of steel, paints and other material purchased, the inmate maintenance cost per day, overhead expense, miscellaneous charges, and the amount of profit previously approved for such work.
15. **Appropriation Balances.** Any unobligated balance remaining after the first year of the biennium in Strategy D.1.2, Registration and Titling, above for the purpose of purchasing vehicle license plates and vehicle registration validation stickers, and enhancing the automated registration and titling system in accordance with the provisions of Transportation Code, Chapter 502, may be used for the same purpose during the second year of the biennium.
16. **Internal Audit.** The Department of Transportation shall maintain an internal auditing program in compliance with the provisions of the Texas Internal Auditing Act, which shall incorporate, at a minimum, the assignment of an internal auditor at each district office and within each division of the department. Each internal auditor assigned pursuant to this provision shall report

DEPARTMENT OF TRANSPORTATION
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either directly to the Commissioners of the Department of Transportation or to the internal auditor appointed pursuant to Government Code § 2102.006.

An internal auditor whose duty station is assigned pursuant to this provision may consider suggestions from a District Engineer in developing proposals for the department's annual audit plan.

17. **Minimum Wage Contracts.** In contracting for maintenance and construction contract work with the private sector, 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.
18. **Road Materials.** From amounts appropriated above to the Texas Department of Transportation from State Highway Fund No. 006, the department shall provide eligible counties with road materials during each fiscal year of the biennium. The amount of road materials provided by the department to each eligible county shall be in an amount equal to twice the amount each eligible county would be eligible to receive, pursuant to Transportation Code § 621.353. This section does not make an appropriation to the Comptroller for the purposes of Transportation Code, § 621.353.
19. **Appropriation of Loan Fund Balances.** Out of funds appropriated above in Strategy B.1.2, Aviation Services, to the Texas Department of Transportation from the General Revenue Fund, an amount not to exceed \$482,000 in fiscal year 2004 is contingent upon balances of the same amount remaining in Strategy B.1.2, Aviation Services, as of August 31, 2003. Also in Strategy B.1.2, Aviation Services, amounts not to exceed \$38,246 each year in General Revenue from revenues estimated to accrue in the department's special aviation loan fund are contingent upon revenues of the same amount being available during each year of the biennium. In the event that actual and/or projected balances and revenues are insufficient for appropriations identified for the purpose above, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to Texas Department of Transportation to be within the amount expected to be available each year.
20. **Appropriation Grant Funds.** Out of funds appropriated above in Strategy B.1.2, Aviation Services, to the Texas Department of Transportation from State Highway Fund No. 006, an amount not to exceed \$25,000,000 in fiscal year 2004 is contingent upon balances of the same amount remaining in Strategy B.1.2, Aviation Services, as of August 31, 2003, from appropriations made to the department for airport development grants in the 2002-03 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 provided by this Act to Texas Department of Transportation to be within the amount expected to be available each year.
21. **Transportation Fee Rates.** The Texas Department of Transportation shall maintain rules providing for the following transportation fees at the rates specified to defray a portion of the state's cost of registering "For Hire" Ground Transportation:

Vehicle Registration Fee	\$ 10.00
Specialized Motor Carrier	\$ 100.00
Insurance Filing Fee, per carrier	\$ 100.00
International Stamps, per trip/per vehicle	\$ 10.00

All fee collections are to be deposited into the General Revenue Fund.

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22. **International Stamp Fees.** It is the intent of the Legislature that the Texas Department of Transportation shall collect the International Stamp Fees specified in Rider No. 21 above in a uniform, consistent and equitable manner at all points of entry along the Texas and Mexico border. All fee collections are to be deposited in the General Revenue Fund.

Only if an insurance agent elects to file evidence of a master liability policy under which temporary insurance policies are issued, or to issue temporary insurance, may the department require an insurance agent to obtain international registration stamps as provided by department rules.

23. **Appropriation: Motor Carrier Audit Fees.** The Texas Department of Transportation, under the provisions of Transportation Code, Chapters 643 and 645, may bill out-of-state trucking firms for all expenses relative to conducting motor carrier registration and insurance compliance audits. All audit proceeds are hereby appropriated to the Texas Department of Transportation and may be expended for the associated expenses in conducting audits. Employees performing out of state audits are authorized actual reimbursement of travel expenses.
24. **Registering Tow Trucks.** Out of the funds appropriated above in Strategy D.1.2, Registration and Titling, and pursuant to Transportation Code § 643.053, \$310,000 in fiscal year 2004 and \$310,000 in fiscal year 2005, from appropriated receipts, shall be used for the administration of registering tow trucks.
25. **Interagency Agreements.** Out of funds appropriated in Strategy D.3.1, Travel Information, \$670,000 through interagency contracts with the Commission on the Arts and \$500,000 through interagency contracts with the Texas Historical Commission each fiscal year, shall be used to showcase the arts, culture, and historical diversity in Texas to promote tourism.
26. **Project Status.** 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, 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 shall be notified on the status of the project and how other projects in any district would be affected.
27. **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.
28. **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.
29. **District Discretionary Funds.** Out of the funds appropriated above in Strategy B.1.1, Highway Construction, the Department of Transportation shall allocate a minimum of \$2.5 million for each district to the State District Discretionary Category each fiscal year. These funds may not be used for highway construction project cost overruns or shortfalls.
30. **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

DEPARTMENT OF TRANSPORTATION
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appropriated in Strategy D.3.1, Travel Information, the department shall transfer sufficient funds to meet demand for each year of the biennium.

31. **Local Government Assistance.** The Texas Department of Transportation, pursuant to Texas Transportation Code § 201.706, may 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 coordinate its accessibility programs with those cities including providing engineering expertise where possible.

32. **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. It is the intent of the Legislature that this provision will not change the “Number of Full-time Equivalent Positions (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).
33. **Clothing Provision.** The department may provide a cleaning allowance for Travel Counselors not to exceed \$500 per year.
34. **Special License Plate Information.** Out of funds appropriated above to the Texas Department of Transportation in Strategy D.1.2, Registration and Titling, the agency shall include in the annual registration information sent to registrants, information on the department’s special license plates.
35. **Reporting Requirements.** The Texas Department of Transportation shall provide a report to department’s border district legislators and to the respective metropolitan planning organizations on department’s trade transportation activities in such border districts during the 2004–05 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.

The Texas Department of Transportation shall submit a monthly revenue 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 notify the Legislative Budget Board and the Governor in writing specifying the affected funds and the reason for the anticipated change.

36. **Trade Transportation Projects.** From funds appropriated above to the Texas Department of Transportation the department shall:
- a. Consider significant increases to the department’s North American Free Trade Agreement (NAFTA) Discretionary Fund;

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- b. Retain any funds replaced by allocation through § 1119 of the Transportation Equity Act for the twenty-first century for use by the department on high priority trade transportation related projects;
 - c. Consider immediate relief from local contribution requirements for the Texas Department of Transportation designated border trade transportation projects;
 - d. Consider allocating additional department resources to the planning, design and construction activities related to high priority border trade transportation projects in the border districts; and
 - e. Consider more aggressive State Infrastructure Bank loan terms for the Texas Department of Transportation designated high priority trade transportation projects in the Texas Department of Transportation border districts.
37. **Agency Coordination.** The Texas Department of Transportation and the Texas Commission on Environmental Quality shall coordinate their efforts on the acquisition and potential uses of crumb rubber and shredded tire pieces in the various phases of highway construction. The Texas Department of Transportation and the Texas Commission on Environmental Quality shall provide to the appropriate Legislative Committees a report on their progress by January 1, of each fiscal year.
38. **Projects for Traffic from International Trade.** The department annually shall review its proposed road and maintenance projects to determine whether the projects and maintenance are adequate to allow for the projected impact of overweight trucks on state highways, resulting from international trade.
39. **Light Pollution.** None of the funds appropriated to the Texas Department of Transportation may be used to install or replace an outdoor lighting fixture located in Brewster, Jeff Davis, Pecos, Presidio or Reeves county unless:
- a. the new or replacement outdoor lighting fixture is a fully shielded outdoor lighting fixture that allows no direct light to travel upward into the night sky if the rated output of the outdoor lighting fixture is greater than 1,800 lumens; or
 - b. full consideration has been given to conserving energy, reducing glare, preserving the natural night environment, and minimizing night sky glow caused by the scattering of artificial light in the atmosphere.
 - c. Subsections a or b do not apply if:
 - (1) a federal law, rule, or regulation preempts state law;
 - (2) the outdoor lighting fixture is used on a temporary basis because emergency personnel require additional illumination for emergency procedures;
 - (3) the light is necessary for special events or situations, including night-time construction, which require additional illumination; or
 - (4) a compelling safety interest exists that cannot be addressed by another method.
40. **Auto Theft Prevention.** The Texas Department of Transportation shall prioritize awarding Auto Theft Prevention program grants to areas of the state based on a geographic distribution and shall include language in grant applications clarifying that funding from each grant is only guaranteed for the life of the grant.

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41. **Aviation Education.** Out of the amounts of non-constitutionally dedicated State Highway Fund No. 006 dollars appropriated above to the Texas Department of Transportation in Strategy B.1.2, Aviation Services, the department may use an amount not to exceed \$100,000 during each year of the biennium for Aviation Education purposes.
42. **Public Transportation Funding.** All State Highway Fund No. 006 appropriations above in Strategy D.1.1, Public Transportation, are made from non-constitutionally dedicated revenue.
43. **Waste Tire Recycling.** It is the intent of the Legislature that the Texas Department of Transportation communicate and work with industries in all counties to maximize the use of tire recycling projects including but not limited to, civil engineering, highway construction, and land reclamation projects.

The department shall evaluate its progress and report to the Legislature and the Legislative Budget Board by January 1, 2005.

44. **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 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.

45. **Highway Safety Improvements.** From funds appropriated above the Texas Department of Transportation shall create a new State Funded Category labeled Highway Safety Improvement Projects, and designate funds to that category.
46. **Discretionary Funding Report.** From funds appropriated the Department of Transportation shall pursue every opportunity to increase its discretionary funding equivalent to 3 percent of its apportioned funding. The department shall report to the Governor and the Legislative Budget Board the status of attaining this goal no later than December 1, 2004.
47. **Tourist Information Center.** From funds appropriated above, the Texas Department of Transportation shall allocate \$100,000 each year of the biennium for the establishment of a tourist information center in the Rio Grande Valley contingent on the donation of property and

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(Continued)

a facility by a local municipality. The tourist information center must be located on a major highway.

48. **Loan Guarantee.** Out of funds appropriated above, the department may guarantee a loan in an amount not to exceed \$1,700,000 to support upgrades to Amtrak passenger rail service between Dallas and Shreveport. Pursuant to Transportation Code, Chapter 456, the department may enter into a loan agreement for this purpose and may require security for said loan guarantee.
49. **Causeway Construction.** Out of funds appropriated above in Strategy B.1.1, Highway Construction, the department may allocate \$10 million for South Padre Causeway construction costs during the biennium.
50. **Reimbursement Revenue Appropriation.** The Texas Turnpike Authority shall pay the Texas Department of Transportation an interest rate of 6 percent per year on amounts advanced for toll projects received during the biennium.

Out of amounts appropriated above from State Highway Fund No. 006 to the Texas Department of Transportation in fiscal year 2004, \$16,420,533 is contingent upon toll project reimbursements being received and \$985,232 is contingent upon interest payments being received from amounts advanced for toll projects in Strategy A.1.1, Plan/Design/Manage. Any balances remaining from the \$16,420,533 in reimbursements and \$985,232 in interest payments after the first year of the biennium may be used for the same purpose during the second year of the biennium. In the event that actual and/or projected balances and revenues are insufficient for appropriations identified for the purpose above, the Comptroller is hereby directed to reduce the appropriation authority provided by this Act to Texas Department of Transportation to be within the amount expected to be available each year.

51. **Auto Theft Appropriation.** All fees collected in excess of \$15,773,000 in fiscal year 2004, and \$14,622,000 in fiscal year 2005, pursuant to VTCS, Title 70, Article 4413 (37), from General Revenue (Object Code 3206) in the Comptroller's Biennial Revenue Estimate (estimated to be \$0) are hereby appropriated to Strategy D.4.1, Automobile Theft Prevention.
52. **Border Safety Inspection Facilities.** Out of funds appropriated, the department shall develop border safety inspection facilities that can be retrofitted with the elements of the one-stop border port prototype in amounts not to exceed \$25,000,000 per facility. Monies appropriated above shall be spent on acquisition of land, planning and development of facilities, constructing the stations, encompassing Intelligent Transportation System (ITS) technologies and weigh-in motion scales to support regulatory enforcement functions. These projects may be developed in phases as the technologies are defined and developed by the state and federal entities that will operate the facilities.
53. **Public Transportation Report.** The Texas Department of Transportation shall develop and submit an annual report to the Legislature 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 percent consumed of available capacity.
54. **Selective Traffic Enforcement Program (STEP).** Funds appropriated above to Strategy D.2.1, Traffic Safety, include \$10,000,000 in fiscal year 2004 and \$10,000,000 in fiscal year 2005 from State Highway Fund No. 006 and shall be used to provide funding for the Selective Traffic Enforcement Program at the Texas Department of Public Safety.
55. **Contingency Appropriation for House Bill 3588 or Senate Bill 1952.** Contingent upon the passage of House Bill 3588, Senate Bill 1952, or similar legislation authorizing the Department of Transportation to enter into an agreement that includes the design and construction of the Department's Houston District office headquarters facility, the Department of Transportation is

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(Continued)

authorized to expend funds from appropriations in the appropriate strategies listed above to construct the Houston District office headquarters facility on Department owned real property leased to the entity contracted to construct that facility, and to lease/purchase buildings that are part of that facility. Also contingent upon the enactment of House Bill 3588, Senate Bill 1952, or similar legislation, the capital budget rider amount each year is hereby increased by \$3 million.

56. **Contingency Appropriation for Transportation Services.** Contingent upon the enactment of House Bill 2292, House Bill 3343, or similar legislation by the Seventy-eighth Legislature, Regular Session, authorizing the coordination of statewide public transportation, the Texas Department of Transportation is hereby appropriated from the State Highway Fund the additional amounts necessary in fiscal year 2004 and 2005, to Strategy D.1.1, Public Transportation, to be used to provide client transportation services as required by federal and state programs affected by House Bill 2292, House Bill 3343, or similar legislation. Also contingent upon the enactment of House Bill 2292, House Bill 3343, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated in the Texas Department of Transportation's bill pattern is hereby increased by an amount not to exceed 172 in 2004 and 2005. The Texas Department of Transportation shall enter into a memorandum of understanding with the Health and Human Services Commission to determine the number of Full-time Equivalent Positions necessary to provide the client transportation services and shall report to the Legislative Budget Board, the Governor, and the State Auditor's Office the number determined no later than September 1, 2004.
57. **Crash Records Information System.** Out of the Funds appropriated in Strategy D.2.1, Traffic Safety, \$5,000,000 in fiscal year 2004 and \$3,175,622 in fiscal year 2005 through interagency contracts with the Department of Public Safety, shall be used to provide funding for the development of the Crash Records Information System.

TEXAS WORKFORCE COMMISSION

	For the Years Ending	
	August 31, 2004	August 31, 2005
A. Goal: LWDB MANAGED PROGRAMS		
To support an employer driven system that enables individuals to obtain and retain employment through participation in Local Workforce Development Board managed programs.		
Outcome (Results/Impact):		
Entered Employment Rate	58%	61%
Earnings Change Rate	4,936	4,936
Employment Retention Rate	76%	76%
WIA Entered Employment Rate	75.3%	77.3%
Percent of Choices Eligibles Who Participate in the Choices Program	76%	76%
Percent of Choices Participants Who Enter Employment	63%	63%
Percent of Job Placements Employed One Year Later (Choices)	67%	67%
Choices Participation Rate for Two-parent Families	24.1%	25.1%
Choices Participation Rate for Single-parent Families	24.1%	25.1%
Percent of Food Stamp Employment & Training Participants Who Enter Employment	45%	45%
A.1.1. Strategy: CHILD CARE SERVICES	\$ 436,648,044	\$ 439,026,879
Provide access to child care for eligible children in low-income families to enable parents to work or attend school or training.		
Output (Volume):		
Average Number of Children Served Per Day, Transitional and At Risk Services	85,337	86,008