



**House Transportation
February 7, 2018**

The House Committee on Transportation met on February 7 to discuss the following interim charges:

“Review the state's response to Hurricane Harvey and natural disaster preparedness with respect to the transportation system and transportation infrastructure. Make recommendations for improving agency operations related to emergency preparedness and response.

Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 85th Legislature. In conducting this oversight, the committee will also specifically monitor the implementation of the TxDOT Sunset legislation and related management actions.”

Personnel from the Texas Department of Motor Vehicles, and the Texas Department of Transportation, county judges, and industry stakeholders were invited to testify before the committee. The report below details discussions on these charges.

Review the state's response to Hurricane Harvey and natural disaster preparedness with respect to the transportation system and transportation infrastructure. Make recommendations for improving agency operations related to emergency preparedness and response.

Nim Kidd, Chief, Division of Emergency Management

- Guided by Texas statute on interaction with local officials, state agencies designed to support local government partners
- Statute states that emergency disasters are the responsibility and domain of the local government, state agencies are charged with using regularly appropriated funds for response first
- 4.9% of state budget for the Division is state funding, the rest is federal;
- \$37 million of uninsured public loss or cost is the FEMA threshold; President will not issue a disaster declaration before this this is met
- Surrounding states' thresholds are ~\$3 million each, much lower bar; Texas' threshold is the second highest in the US, right behind California
- Expecting threshold to rise on next census when population growth is counted; Possibly ~\$41-42 million
- Because of this, Disaster Fund is crucial for state response
- Local government first responders are often the first on scene, state comes into support afterwards; Recovery work is largely through faith-based or volunteer organizations, FEMA has granted \$20/hr for this recovery work
- FEMA estimates Harvey will be an \$18.5 billion FEMA-only impact, \$4.5 billion is FEMA cost and overhead, \$6.5 billion is for FEAM individual assistance, \$7.5 billion public assistance (state agencies, local gov, public infrastructure, etc.)
- FEMA has already put \$13.6 billion into Texas, \$600 million in public assistance, >\$1.5 billion for individual assistance
- Local governments expect \$29 billion in total public assistance impact, numbers will solidify as agencies work with local gov's to issue bids and draft contracts



- TxDOT is one of our largest partners, constantly present in the State Operations Center (SOC), also had extensive collaboration during Harvey in transporting those in need
- Rep. S Thompson - \$1.5 billion went for individual assistance?
 - Yes
- S Thompson – In my district, FEMA has constantly said no to these types of grants
 - Get in touch with us and we will reach out to try and turn “no” into “yes”
- S Thompson – We will get \$70 million towards faith-based organization recovery efforts?
 - No, this will be a credit towards the local government match required to pull down federal dollars
- Chair Morrison – Hard to get a sense of the immense effort going on around the state without being directly involved

James Bass, Executive Director, TxDOT

Mark Williams and Michael Lee, TxDOT, were also present as a resource

- TxDOT operates within the SOC, but also have an agency operations center to interface between the SOC and TxDOT’s field efforts
- Before Harvey landed, TxDOT positioned assets in central staging areas, sent them to areas of need when hurricane hit
- Drivetexas.org was a key public outreach component, assisted individuals and TxDOT in determining best routes to travel in and out of affected areas, also maintained a 1-800 number
- Employees logged over 1 million man-hours during Harvey, assisted in recovery and mitigation, also worked with local governments and helped maintain TxDOT’s communication
- Purchased and deployed miles of a new water-filled barrier technology
- S Thompson – What happens to the water after you capture it in these barriers?
 - After the water recedes, you can tip the barrier in the drainage
- S Thompson – Was just wondering if this could be cleaned some way and used for drought areas
 - Can look into this
- Out of \$192 million total - \$66 million in mobilizations/salaries/debris removal, \$110 million in road damage, \$10 million facilities damage, \$6 million equipment costs
- Morrison – Do you have numbers for Aransas County?
 - Don’t have these specific numbers, helped with debris removal as it became a public health issue
- Rep. Simmons – With regard to response mobilization & salaries, is this hard numbers we had to directly pay? Is this overtime?
 - Base was \$24 million in regular salaries, \$19 million in overtime pay, \$5 million in debris removal salary with \$6 million in debris removal overtime, also had costs in maintaining communication networks and travel
 - Part of this was for maintaining local base camps, contract for this every May
- Simmons – And the equipment costs, some of this should be new, and then some is wear & tear?
 - We didn’t buy new equipment I think, mostly rental and preventative maintenance



- E Thompson – I know some of the debris removal costs was due to contractors basically “walking out,” was wondering if we had some sort of contingency; We should have a mechanism to go after these guys
 - Understand the concern and frustration; From our perspective we acted on the local government’s need for help, didn’t necessarily know why
- We expect a lot of the \$192 million reimbursed, will look to be reimbursed by FEMA and the Federal Highway Administration
- We have 90 days for 100% reimbursement from the Federal Highway Administration for repair, etc.
- Obviously these programs are not designed to reimburse all costs, TxDOT operates more with an outlook for what is needed
- We expect to perform even better in the future than we did, After Action Report and inventory of flood-prone roadways should help with improvement efforts
- Looking at costs to raise flood-prone roads out of threat of flood, expecting multi-billion dollar price tag
- Morrison – We didn’t really have a lot of damage in my district based on road floods
 - We also had a number of bridges that needed to be prepared to accept flow of traffic
- E Thompson – We had a lot of roads damaged due to being flooded for a long time, FEMA has made the decision that repairing these is not applicable for reimbursement
 - Michael Lee, TxDOT – Most of our work on roadways is with FHWA, we always have to attempt to try and prove the damage was from flooding; Hoping to see some success
 - FEMA covers local roads
- E Thompson – So you work with the FHWA and local governments work with FEMA?
 - Yes, some local governments have roadways on the federal level, but not many
 - Kidd, Division of Emergency Management – FEMA will pay for storm damage due to inundation, etc., if we can prove for local and county roads; Key is when the damage occurred and proving it was not already existing
- Rep. Pickett – Does the FHWA have any input into these roads and funds available for this?
 - Lee, TxDOT – There is the 90 day window where FHWA will pay for repairs, but they do not like to pay for improvements
 - They also released \$25 million in emergency funds
- Pickett – Have we exhausted the \$25 million?
 - We have projects for it
- Pickett – When does the 90 day window begin?
 - It is subjective, FHWA decides when the event is over and when to start the time period
 - Need to check if it is 90 days or actually 180 days, can’t recall the exact time period
- Pickett – Where does the \$25 million flow over with the 100%? IS there a dollar cap on the 100%?
 - Bass, TxDOT – The \$25 million is like a down payment, the 100% is on a reimbursement basis after the fact
 - Work has to be done within the window, paperwork can be submitted after
- Pickett – And they don’t pay for improvement, only repair?



- Yes, take a bridge that washes out for example; You can put it back at the same height, but not necessarily for raising it
- Typically improvements are around 80% reimbursement, though there might be opportunities to have a conversation with FHWA to get 100% on these types of improvements
- Simmons – Media has reported on the debris removal dumping sites, can you address this?
 - TxDOT released a statement yesterday
 - Highly disappointing, outside TxDOT guidelines and it appears a few individuals did not follow the guidelines for dumping
 - TCEQ is onsite and investigating, also have an internal TxDOT investigation to determine who knew and was given direction on this
- Pickett – TCEQ assured me that they will treat TxDOT like a private entity, there could be fines, etc.; TCEQ might should have “turned you in” rather than let the media break it
 - As soon as we were aware we went out, if anyone is aware of sites that could be causing damage to the environment, please let us know
- Pickett – I’m sure you will be asked to account for staging sites and dumping sites, also that you will be required to prove that the site has been properly taken care of
- Rep. Israel – Disappointing thing to me was that someone thought they could get away with it, would like TxDOT to follow up regarding corrective measures

Judge Matt Sebesta, Brazoria County Judge

- TxDOT response was very good, Angleton office was fantastic; Consistently helpful with flooding incidents, especially Mike McGuire
- We have not had a single loss of life, TxDOT was easy to contact and they did a great job of making us aware
- Drivetexas.org could be improved, had some technical difficulties and sometimes had inaccuracies; would like to be able to pull data directly from it onto our GIS
- TxDOT was fantastic on debris removal, only minor issue was that Angleton equipment and personnel was repurposed into Harris County initially

Judge Ed Emmett, Harris County Judge

- Emphasizes trucking flow map after storm hit showing that trucking stopped all over Texas, not just on the coast
- TxDOT should designate some roads as flood-proof that have to remain open to allow trucking to continue
- Should also work to ensure areas like the Medical Center remain accessible
- Toll road system helped Harris County remain operational during the storm and flooding
- TxDOT’s efforts and cooperation were remarkable, one example are the large number of signal boxes the were imported from Dallas
- S Thompson – Asks after flood control and improving flood response
 - Harris County flood control has 4 major projects underway that could be completed immediately if Corps of Engineers was properly funded



- Also need to identify the major watersheds and see what needs to be done to secure; Might need to accept that some areas are not securable and turn these into green space
- S Thompson – What could you use money out of the Rainy Day Fund for?
 - New reservoir would cost 5% of the Rainy Day Fund
- S Thompson – What would you say to the proposed tax plan
 - If we're going to be serious about flood control, don't put any revenue controls on us

Judge Stephen Brint, Orange County Judge

- Orange County was virtually surrounded by water, local resources were overwhelmed and state support was crucial, TDEM and TxDOT especially
- Orange County was inaccessible to non-high water vehicles
- Eventually had to detonate part of the highway barriers as they held the water from draining away
- Had extensive flooding on all county roads as well, being inspected for visible and non-visible damage
- Airport was the main avenue for receiving resources, much of the traffic in was a direct result of work from Rep. Dade Phelan in getting food and water in
- TxDOT was very helpful in removing debris on state property and other areas inside the county

Judge Robert Herbert, Fort Bend County Judge

- Harvey affected County highways and roads far beyond the protections required by past standards
- Rainfall flooded the San Bernard and Brazos rivers, flooded the area behind the reservoir; Believes this to be a “man-made” disaster, though did not reach 100-year flood levels
- Many residents sheltered in place, evacuees sheltered where they could as they were stopped by floodwater; Fort Bend had only one evacuation route along I-59 to El Campo during the crucial early periods of the evacuation
- TxDOT evacuation are required to be 18-feet above 100-year flood elevation, other highways were built to 25-year flood standards
- Requested funding for TXDOT for evacuation of local residents in flood events
- Discussed specific examples of highways which have been repeatedly flooded in certain sections, has considered mitigation methods in future planning
- Cautions not to elevate all roadways, only those which need it within the 25 year floodplain
- Pickett- Need TXDOT to come up with a plan to resolve some of these obvious issues. All house committees need to be coordinating effort to avoid simply “throwing money at the problem.”
 - Some solutions such as debris removal need to happen and money should be spent
 - roadway construction needs a specific plan before beginning mitigation activities to avoid overspending
- E Thompson- agree with the idea to “overbuild” roadways when looking at new construction or rehab projects? Can you address the levy system in Ft. Bend County in terms of mitigating floods during events?
 - Requested at least the 100-year flood level to be used as the standard for construction



- None of the levies were breached by the flood water
- We know now that the 100-year flood standard is inadequate, levies were disproportionately affected largely due to inability to pump water
- Emmett, Harris County – Debris removal issues might have been in part our fault, we upped our contracts to keep debris removal services in our area, state could help with this by working to keep local contracts in place, but make up differences that make contracts less viable in smaller counties
- Israel – Do you happen to have a price tag on the needed elevations for Orange County?
 - Hebert, Fort Bend County – We don't have an exact number, but would likely be less expensive
 - Need to look at roads on a county-by-county basis to see which roads are most used and which could most use the support
- Israel – I'm wondering if you have also discussed building areas differently and leaving some areas as green area?
 - This discussion happens all the time; Fort Bend has required detention ponds in developments for quite some time
 - Harvey largely ignored the detention ponds, but typically they serve a purpose in the lesser flooding events
- Israel – For Emmett, you're on the Freight Advisory Committee, are you thinking of recommendations for us in regards to rail?
 - It's not rail, it's freight across the state
 - Formed in response to federal action and reports to TxDOT, TxDOT decides what to share & they have been sharing this info with the legislature

Phyllis Saathoff, CEO, Port Freeport

- Ports are constantly concerned about the response to events like Harvey
- Harvey affected different ports along the coast differently, some by direct hurricane damage, some further to the North were damaged by extensive flooding
- Waterways and channels were also massively impacted, had direct impacts on the entire Texas economy
- Port Freeport should not have seen any flooding as it is in a dead-end body of water, but sediment in the Brazos river caused 10-15 feet of shoaling; Other counties and areas saw high rates of flow and significant deposits of sediment
- Large amount of interest was focused on Texas Ports, energy sector transport was massively affected by Harvey, closed for over a week; Damage to Texas waterways like this has significant economic impact
- Damage to waterways can mean \$1-2 million to vessels having to work around
- Federal government doesn't adequately fund the Corps of Engineers and doesn't dedicate all of the harbor maintenance tax, working to change this on a federal level
- We have 5 deepening projects to take various ports to below 50 ft, authorized by Congress by the federal government has been slow to appropriate; If these had been completed then ports and waterways would have been less impacted



- Applaud the legislature for creating the Revolving Port Loan Program last session, will help ports withstand events like Harvey in the future
- Pickett – What is the cost of the 5 approved deepening projects?
 - Sabine/Neches is \$1 billion, Port Freeport >\$200 million, varies
 - Benefit would far outweigh the cost
- Pickett – And the appropriations are delayed? Do you get advance notice?
 - Office of Management and Budget decides priority, we’re competing with other flood control projects
- Pickett – And the Corps of Engineers manages the project, do you participate in the design?
 - We do participate, we have a cost-share, over 50 ft depth is a 50/50 cost share
- Pickett – Does the state participate?
 - No, state assists with highway access type projects, but not in the port dredging
 - TxDOT does help with some waterway dredging
- Pickett – Where are we with our ports now?
 - Port Freeport is operational, certain that Houston has ongoing dredging needs as length of channel and depth is significant
 - Corpus Christi is operational, but would expect ongoing dredging
- Pickett – Did this come from the feds?
 - Yes, there is some cost assistance, but Corpus Christi received about 1/3rd of what it needed
 - Gov. Abbott did include all authorized port projects in his request for supplemental funding
- Pickett – So this sounds similar to what we heard earlier about FEMA, is there anyways to piggy-back these projects?
 - We’re trying
- Pickett – Are you ready to move forward if these are approved?
 - Yes, we are ready with our match, plans are in place to make funds available over construction period
 - All ports are different, some have ad valorem authority, some own the bottomlands of their waterways and assess passage fees, etc.
- Pickett – Did someone track gas prices across the nation due to refinery closures?
 - There was a gas price increase
- Pickett – Would have expected aviation prices to see the quickest increase
 - Don’t have specific numbers, but ports did discuss and there were media reports
- E Thompson – Harbor maintenance tax has always been spent in other areas, has there been some improvement in this?
 - We worked with other ports across the nation on a plan to push the federal government to invest the tax in ports as they are supposed to
 - Plan is in place and there have been improvements, should be 2025 when we see 100% investment; Currently over 60% of the tax is devoted to ports
 - There are plans to divert funds to energy ports, etc.
- E Thompson – Is there anything emergency-wise since Harvey that has upped the percentage?
 - There was around \$50 million in initial funding, but this isn’t enough to cover all of the dredging needed



- Rep. Wray – Are we pleading our case with the Corps of Engineers that we need additional dredging, etc. to make the ports more usable?
 - Yes, we have been pushing
 - For Port Freeport’s authorized deepening project, we have begun the design and are prepared to start construction, etc.; Work on this began in 2000

Richard Zientek, Union Pacific Railroad

- Union Pacific has robust protocols in place for emergency weather; Includes accommodation for employees, establishing a command center, moving equipment, etc.
- 28% of track was out of service, were able to re-establish 97% of routes within days of initial damage
- Recovery efforts included relocation of rail cars, moving Spring distribution center to Omaha
- Learned from previous bridge washouts, etc. during Harvey the Brazos river bridge held, other bridges were significantly damaged, however
- Israel – So a bridge washed out this time?
 - Yes, 5 span bridge, was out for 3 weeks
- Israel – How do you pay for this? Is this an insurance claim?
 - Will need to get with financial department and get back to you
- Israel – Can you give us some customers who were impacted by outages?
 - Dow, Exxon, many other chemical industry customers

Monitor the agencies and programs under the Committee’s jurisdiction and oversee the implementation of relevant legislation passed by the 85th Legislature. In conducting this oversight, the committee will also specifically monitor the implementation of the TxDOT Sunset legislation and related management actions.

Katharine Teleki, Sunset Commission

- TxDOT report was completed in November 2016, SB 312 passed all of TxDOT’s recommendations
- A number of management recommendations were made by TxDOT that they are also responsible for implementing, will be included in compliance review
- Sunset’s focus was on TxDOT’s readiness to deliver on the large amount of funding granted to them, TxDOT was looking at a doubling project portfolio over next ten years, ~\$70 billion
- Given response to Harvey, no doubt on TxDOT’s ability to deliver in emergencies, Sunset did have concerns with TxDOT’s ability to deliver and report on funds concerned
- Number one concern was overall transparency in transportation planning process, TxDOT should have clear goals and clear metrics on progress
- Another recommendation is that TxDOT should also publish better analysis regarding the goals and tradeoffs that occur when decisions compete with each other
- Lastly, TxDOT should have a report on progress, both internally and for public use, e.g. are these projects improving congestion or traffic flow, etc.



- Also had recommendations around contracting, TxDOT could use corrective action plans, could have better accounting of costs for recovery, improve criteria for contractor sanctions, and could include past performance of contractors in evaluating new work awards
- E Thompson – When it comes to bonding, was there anything discussed regarding the parameters needed for a bonding company?
 - Bonding requirements are not referenced in Sunset recommendations or the bill, but TxDOT is required to make rules on contracting so this will likely be in the areas they review
- These recommendations will take time and attention to make work, some of these issues were raised in 2009 and are still being worked on, though TxDOT is making good faith efforts to address
- In Sunset legislation, March and September are deadlines for rulemaking, should continue to monitor
- Sunset will staff conducts a compliance review and report on this in January 2019, will not conduct review until October-December 2018
- Sunset did not the long-term implementation and requested that House and Senate committees monitor the implementation
- Currently in the middle of review cycle for the next set of agencies, DMV is up for review now and report will come out mid-to-late April
- Simmons – So right now, you are not monitoring TxDOT at all?
 - Monitoring lightly, but not conducting compliance reviews yet

James Bass, Executive Director, TxDOT

- TxDOT's project portfolio does have an additional \$70 billion over the next 10 years, but have done well in delivering projects in the past; Working to ensure we will increase efficiency and transparency

Mark Williams and Bill Hale, TxDOT

- SB 312 – Sunset bill identified 6 issues and 30 management items
- SB 1 – Included 6 new or amended riders to implement
- 70 other bills passed required implementation, 21 have been implemented, 49 are not complete, 8 bills require continued rulemaking; Many of these are highway naming bills that require coordination with 3rd parties
- Distracted driving legislation, have installed permanent and temporary signs
- SB 1877 - Required opportunity for mail bid requirements, published guidelines on TxDOT's website
- HB 2639 - Involved additional alert requirements for blue and silver alerts, happening now
- Simmons – On the blue and silver alerts, how long do you leave these?
 - William Hale, TxDOT – Usually up while the issue is outstanding
- HB 3087 – Required TxDOT to standardize lighting, adopted procedures for this
- Public transit – We created new areas for rural and urban transit areas in terms of how we distribute grants



- Highspeed rail – TxDOT is prohibited from spending funds and is required to coordinate for federal compliance,, have adopted procedures
- Wray – My understanding is that the highspeed rail bill did not prevent TxDOT from spending on typical functions, e.g. when rail crosses TxDOT roadways
 - Williams, TxDOT – Correct, TxDOT is still required and will continue to do permit approval, etc.
- Wray – An 84th budget rider would have accomplished the same goal, but also would’ve disrupted this ability
 - Can’t recall the specifics
 - Simmons – Rep. Ashby and I worked on this issue, went in as a rider in the GAA this time too, does not disrupt TxDOT processes
- Port funding – SB 28 created Ship Channel Improvement Revolving Fund, anticipating rules later this Spring
- SB 1523 – Required TxDOT to be designated as agency with oversight for rail safety, considering final rules for adoption currently
- Israel – This is something you were already doing, correct? This just makes law in line with existing practice
- In many ways yes, also describes authorities required by FTA
- Rail administration has not been affected, within Public Transit Division so staff was available
- Israel – Is the Rail Division aware of this and do they interface?
 - Yes, Public Transit was chosen as it interfaces with federal and local government
- Israel – Since Rail Division doesn’t do the safety part, what do they do?
 - This new bill involves safety on passenger rail only, Rail Division maintains oversight on freight rail across the state regarding crossings, signals, planning, South Orient railroad etc.
- SB 1522 – Enabled Commission to modify numbers of members on Aviation Advisory Commission; Working with the Aviation Commission to determine number
- HB 2646 – Allowed TxDOT to have advance right-of-way acquisition prior to environmental clearance phase where hardship is involved, excludes eminent domain
- SB 2006 – Involved billboard content
- SB 312 – Included some billboard height requirement changes, working with Sunset to develop rules for adoption
- DMV property transfer – Received \$34 million for campus consolidation, targeted move in date of 2022
- Sunset recommendations included:
 - Commission training – Manuals updated
 - Transportation planning – Distributing performance targets for planning and reporting
 - Transparency – Working on a tool to distribute project info to the public, have had focus groups and have been testing distribution tool for ease-of-use
 - Contracting rules – Have a workgroup moving through compliance, rules; Expecting rules before the Commission by March
 - State aircraft fleet – Updating long-range aircraft replacement plan, efforts ongoing to assess needs and options



- Crash reporting process updates – Established new operating procedures for online publishing of data and working enforcement agencies
- Wray – One of my frustrations is these transparency tools have a range for project start and end, would personally prefer definite or target dates; Would be good to let the public know
 - Better specificity was a common theme
- Pickett – Specific time would be great too
- Simmons – Last year, TxDOT contracted for development of contract selection software, how is this progressing
 - Having challenges getting everything we are paying for delivered in the software solution; Working with vendor and hopeful for a resolution
- Simmons – This is critical to implement HB 20 from before the 85th, do you have a date that this will rollout?
 - Trying to implement different modules, some scheduled for this calendar year; Can get back to you
- Pickett – Regarding the project tracker, how simple are you going to attempt to make this? Current implementation is rough
 - New version will be sortable by many different districts types (TxDOT, legislative, County, etc.), can filter by active or planned
- Pickett – Will you be showing this to non-engineers before it's rolled out?
 - Yes, have run focus groups to get feedback on ease-of-use
 - Bass, TxDOT – One of the challenges with the previous version was that people are vision-oriented; Moving to a map interface to assist
- Pickett – Idea wasn't to give you more busywork, I think you could simplify this greatly to make it more useful to the general public
 - We're making sure our IT department can easily maintain the tool as well
- Sunset legislation also passed statutory changes:
 - Rules on toll bill emailing were adopted in January
 - Toll financing reforms require entities to repay loans to TxDOT for any new projects that have not started environmental process, rules approved in January
 - Proposed rules to prohibit future HOV lane conversion into tolls are moving through process
 - Toll removal on designated lanes in certain area is in progress
 - E-Verify Taskforce, procedures for enforcement have been formalized and in process of implementation
 - Have expanded list of projects requiring public hearings, includes principally bicycle or pedestrian-involved projects
 - For highway closures, memo went out to districts directing them to respond to reporting requirements
- Simmons – Do any contractors have any concerns with specialty job visas?
 - Sometimes it's difficult to get these folks approved to work
- Pickett – Have heard questions on when a public hearing should be held on some project changes from SB 312



- There is a difference between public meetings and hearings, TxDOT typically does not answer questions in hearings in order to not limit access to members of the public wanting to provide their opinions
- Prior to SB 312, there were certain projects we were required to publish notice offering a public hearing
- Pickett – I’ve heard that the public hearing has not been offered in some instances
 - Correct, in our determination it was too early in the development cycle to hold a hearing
 - Now we will hold hearings projects involving bike lines, HOV lanes, etc.
 - This does not preclude public meetings early in the development cycle
- Pickett – When do we determine that a project has been sufficiently changed to hold a public hearing? Some believe there is a specific project that has been developed and then was changed without a hearing
 - We will, if those changed elements remain within the project
- Pickett – Who holds the public hearings?
 - Typically the district engineer, generally speaking the public tends to appreciate the public meetings over a hearing
- Sunset management action items:
 - Transparent project planning process
 - Implemented quarterly review process to work with districts and maintain insight in project development
 - Have implemented new management tools to aid in contract oversight
 - Improved certification requirements for disadvantaged businesses, consolidated different certification efforts; also holding outreach events & launched an update to the disparity study
 - Process improvement efforts are ongoing, have a workshop upcoming to present initial finding
 - Ongoing workgroup is focused on improving communication with districts, report due at end of Summer
 - Have been working with HR and Civil Rights Division to look into workforce diversity
- S Thompson – Why have you not taken proactive steps to improve
 - That was Sunset’s allegation, not our position
- Israel – Is the disparity study out for bid or has the contractor been selected?
 - Contractor has been selected, engaged with local partners and data collection is ongoing
- Israel – Regarding diversity, should look to hire capable women, disappointing that the agency is not more diverse and reflective of the demographics within the state; Need to search out talent to properly address diversity
- Wray – I know one of the Sunset issues was support of the 25 TxDOT districts, I frequently hear of subdivisions being tied to FM roads of highways and delays with tying these subdivisions into the network, do you have system in place to monitor and move resources?
 - Area offices should have personnel to work with developers and make sure they have access; Can take more time to ensure impact of opening a new route is well-absorbed
- Wray – Are we tracking how long these things are taking for approval?



- Yes, we track timelines from start to finish, monitor to ensure it moves quickly
- Wray – Are we able to move personnel around within TxDOT to respond to needs in other regions?
 - Yes, we have a workforce evaluation that helps shift people to areas of need
- Wray – What happens to right-of-way property that is acquired before the EIS comes through, but ends up not being used
 - This is offered back up to the local property owner
- Wray – We now have a lot of highways with improved inside shoulders & a lot of debris collects there, what is our plan for debris removal?
 - Based on amount of debris needing to be picked up, done in cycles that are added to if need increases
- Wray – Might need to consider debris build-up that happens on projects before state takes over the contract
 - Contractors should be cleaning these before it's handed over, can check on this
- Pickett – Where are we in this current fiscal year on getting contracts out?
 - Bass, TxDOT – Last five months have been low, mostly because previous months have been high
- Pickett – But you have a letting schedule, where are we on that?
 - There are different ways we obligate money, not just letting; Design build, etc. can have a different pathway
 - We've been accelerating letting scheduled for 2019 into 2018
 - Bill Hale, TxDOT - Currently at \$5.8 billion for contracts, expecting contract awards to exceeding ~\$8 billion
- Pickett – My question really is when?
 - It's happening now
- Pickett – Contractors rely on defined timelines to ensure projects don't overlap and tax resources
 - Bass, TxDOT – When we add something, the quickest we can do it is 2-3 months into the future, will be a delay
- Pickett – Are we behind right now based on TxDOT's schedule?
 - Would love to have level letting month-to-month & we are behind on this metric currently, this is a challenge we are working on

Whitney Brewster, Executive Director, Texas DMV

- DMV has been diligently implementing bills passed by the 85th legislature
- SB 1359 – Allowed DMV to own, manage, and sell real property, allowed transfer all of part of Camp Hubbard complex, working with TxDOT on timeline that coincides with TxDOT staff consolidation in Austin
- Fully implemented lemon law program improvements
- HB 3254 – Road carrier weight limits, bill mostly applied to chameleon carriers that rebrand to avoid penalties, provisions have been implemented; Household good providers requirement to post fees, etc., information is now posted on DMV truck stop website



- Israel – What this effective in September or January? Have you had time to assess whether bad actors have been precluded?
 - Can check on this
- 3 oversize/overweight permits were implemented & available as of January 1
 - SB 1524 – Sealed intermodal shipping containers, annual @\$6,000
 - SB 1383 – Fluid milk, @\$1,200, only permit available for transport of fluid milk
 - HB 2319 – Bowie County sealed intermodal shipping containers, @\$1,000, starting in 2022
TxDOT will study usage of permit and its impact on the roadway with fee to be adjusted accordingly
- Have changed title document request process, currently only the most recent title document is available
- Regarding VIN numbers and inspections, provisions regarding inspections and who can perform them were implemented in November
- SB 1062 – Working on implementation of when DMV can accept electronic signatures, expecting capability by this Spring with roll out in January 2019
- HB 1247 & SB 1501 – Vehicle storage, implemented
- HB 3131 – Certificates of authority to send vehicle to demolisher, implemented
- Israel – Did you have any form of electronic signature before implementation of SB 1062?
 - Ability is not new, but specific avenue is
 - Jeremiah Kuntz, DMV – This bill dealt with authority of DMV to accept signature processed in third party's signature software
- Pickett – Concerned about status of vehicles affected by Harvey and some of these hitting the market and how we distinguish the titles for these vehicles
 - Brewster, DMV – Also concerned about flooded vehicles, DMV brought on additional temporary employees to process these vehicles and brand them within the DMV system as flooded vehicles
- Pickett – What happens to the vehicles with total loss claims?
 - Kuntz, DMV – Insurance companies have two methods for salvage, total loss triggers on vehicles whose repair costs would exceed total value or when vehicles cannot be repaired to function
- Pickett – Who actually has authority over these flooded vehicles?
 - Brewster, DMV – There is a resource available to consumers, for a small fee consumers can access the DMV website and see the DOJ national title information system that will give them the history of the vehicle with full detail of damages and brands
- Pickett – But vehicles owned by insurance companies have a new title issued for salvaged vehicles, what happens to those? And where are these ending up?
 - Kuntz, DMV – DMV has different indicators, there is a flood damage indicator attached to the title in addition to the salvage brand
 - Insurance companies sell these vehicles to companies that would rebuild or salvage
- Pickett – Do we know how many vehicles have been tagged salvaged flooded? Can you tell me where those vehicles are?
 - Brewster, DMV – 299,000, likely over that number now



- We do not track where these vehicles actively
- Pickett – They’ve got to show up somewhere
 - Kuntz, DMV – On a per vehicle basis the best we can do is see when they are sold on the next title
- Pickett – When I go to transfer title at the tax office or wherever, will the damage flag pop up?
 - County office will be able to see this, can only issue new salvage titles until the vehicles go through the rebuild process
- Pickett – But we don’t know where they all are or how they’ve been disposed? Unless they come back into our system?
 - Correct
- Pickett – What paperwork do I have to do to get a cleaned title on one of these? Are we depending on the industry that these vehicles are getting repaired?
 - There is an application process, industry needs to bring in proof that vehicle has been repaired
 - Need to see dollar value equal to damage in parts/receipts, etc.
- Pickett – Do we have a way to see how many of these vehicles have made it back into the state system converted back into cleaned titles?
 - Not without datamining, no reports available now
- Rep. Martinez – Can’t you track this through the VIN number?
 - Possible, but need to search for 300,000 VIN numbers
- Pickett – Expecting complaints from constituents about these vehicles
 - Once a vehicle has been salvaged and rebuilt, the rebuilt brand stays on the title
- S Thompson – Within your rulemaking, can you add a notation that a vehicle has been water damaged?
 - Can look at this to see
- SB 2075 – Online registration receipt can serve as proof within 31 days of renewal, implemented
- SB 1001 – Increased exemption from inspection weight threshold to 7,500 pounds gross weight, implemented
- HB 561 – Created new package delivery license plate, available
- HB 4102 – Added new donation funds, implemented
- SB 2076 – Required agency to study titling and registration process to see if any processes could be simplified, implementation
- Other bills relating to novelty license plates, etc. have been implemented
- Planning to provide more information on specialty plates in the future and how often they are purchased
- Wray – Does it cost us anything to offer plates?
 - Brewster, DMV - Yes, to produce and design
- Wray – Does it cost to keep plates on offer even if they are not requested?
 - Kuntz, DMV – Costs about \$5,000 to offer plate