



Senate Bill 977 (85R)/Rider 39 Report

TxDOT Report on State Funds Expended for High-Speed Rail Supervisory
Purposes Reporting Period from: September 1, 2022 to February 28, 2023

Pursuant to reporting requirements in Senate Bill (SB) 977, 85th Regular (85R) Legislative Session (2017) and Rider 39, General Appropriations Act (GAA), 87R, (2021), 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 39 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 39, GAA, 87R 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)	\$0.00 (0 hours)
Travel & other expenses	\$0.00
Total Expenses:	\$0.00



Appendix A.

Senate Bill 977 (85R) and Rider 39 (87R,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.

S.B. No. 977

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)

39. 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.

40. 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, 2021, that were appropriated to the Department of Transportation for the 2020-21 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, 2021, for the same purpose.

41. 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 any amount of unissued revenue bonds or other obligations on behalf of the Department of Transportation remaining as of August 31, 2021, out of the amount previously authorized by Rider 42, Austin Campus Consolidation, in the bill pattern for the Department of Transportation, Article VII, House Bill 1, Eighty-sixth Legislature, Regular Session, 2019, (estimated to be \$0) in an aggregate 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 sale of such bonds or other obligations, such amounts as may be necessary to fund associated costs, including the costs of issuance, reasonably required reserve funds, capitalized interest, and other administrative costs are appropriated to the Texas Public Finance Authority. From the remaining proceeds of the issuance and sale of such bonds or obligations, amounts necessary to fund the costs of the construction and equipping of the Austin Campus Consolidation project are appropriated to the Department of Transportation for the fiscal year beginning September 1, 2021. Any unexpended balances from appropriations made in this subsection remaining as of August 31, 2022, are appropriated for the same purposes for the fiscal year beginning September 1, 2022.
- (b) Included in the amounts appropriated above out of the State Highway Fund in Strategy E.1.1, Central Administration, the amounts of \$20,965,303 in fiscal year 2022 and \$20,969,253 in fiscal year 2023 may be expended only for the purpose of making lease payments to the Texas Public Finance Authority for debt service payments on the revenue bonds or other obligations issued to construct the Austin Campus Consolidation project.

42. Limitation on Employment Levels.

Notwithstanding the limitation on state employment levels in Article IX, §6.10, of this Act, the Department of Transportation may use the funds appropriated in this Act to pay all or part of the salaries or benefits of a number of employees which would cause the number of full-time equivalent (FTE) employees paid from funds appropriated by this Act to reach one hundred and three percent (103%) of the FTE figure indicated by this Act for the