

**2008 Sunset Commission Recommendations on the
Texas Department of Transportation**

Additional information on these recommendations can be found in the agency's
[Final Report](#) and the [Report to the Legislature](#)

Issue 1	<i>Until Trust in the Texas Department of Transportation Is Restored, the State Cannot Move Forward to Effectively Meet Its Growing Transportation Needs.</i>
<i>Change in Statute</i>	
1.1	Abolish the Texas Transportation Commission and replace it with an appointed Commissioner of Transportation.
1.2	Establish a Transportation Legislative Oversight Committee to provide necessary oversight of the Department and the state's transportation system.
1.3	Authorize the Transportation Legislative Oversight Committee to contract with a management consulting firm to assess and recommend organizational and process improvements at the Department.
1.4	Require the Transportation Legislative Oversight Committee to review and comment on TxDOT's research program, including individual research projects and activities.
1.5	Clarify that the Transportation Legislative Oversight Committee could work with all Texas university transportation research programs to obtain transportation research independent of TxDOT.
1.6	Continue TxDOT for four years.
Issue 2	<i>TxDOT's Internal Controls Are Not Adequate to Ensure the Transparency and Accountability Necessary to Maintain Public Trust and Confidence.</i>
<i>Change in Statute</i>	
2.1	Require TxDOT's Chief Financial Officer to report directly to the Commissioner of Transportation.
2.2	Require TxDOT to evaluate the performance of its administrative and decision-making staff to determine whether employees should retain their positions within the Department.
2.3	Require the Commissioner of Transportation and TxDOT's Chief Financial Officer to certify the establishment of, adherence to, and effectiveness of internal controls at the Department.
2.4	Require TxDOT and its employees to develop, adopt, and adhere to a Code of Ethics, and to establish an ethics hotline for reporting violations.
2.5	Require TxDOT staff to present the agency's LAR to the Commissioner of Transportation in a timely manner.

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Issue 3 <i>The State's Complicated Transportation Planning and Project Development Process Frustrates Understanding of How Important Decisions Are Made.</i>	
<i>Change in Statute</i>	
3.1	Require TxDOT to redevelop and regularly update the long-range Statewide Transportation Plan describing total system needs, establishing overarching statewide transportation goals, and measuring progress toward those goals.
3.2	Require TxDOT to establish a transparent, well-defined, and understandable system of project approval and programming within TxDOT that integrates project milestones, timelines, priorities, and cash forecasts.
3.3	Require TxDOT districts to develop detailed work programs driven by milestones for major projects and other statewide goals for smaller projects.
3.4	Require TxDOT to develop online reporting systems for providing project specific information in a real-time dashboard, judging the effects of spending on specific transportation problems, and assessing progress in meeting overall transportation goals.
3.5	Require TxDOT to establish, and provide funding and support for, transportation planning in rural areas of the state.
Issue 4 <i>TxDOT Does Not Meet the High Expectations Placed on It to Ensure Consistent, Unbiased, and Meaningful Public Involvement.</i>	
<i>Change in Statute</i>	
4.1	Require TxDOT to develop and implement a public involvement policy that guides and encourages more meaningful public involvement efforts agency-wide.
4.2	Require TxDOT to develop standard procedures for documenting complaints and for tracking and analyzing complaint data.
4.3	Strengthen lobbying prohibitions for TxDOT.
<i>Management Action</i>	
4.4	TxDOT should provide a formal process for staff with similar responsibilities to share best practices information.
4.5	TxDOT should provide central coordination of the Department's major marketing campaigns.
4.6	TxDOT should make its website easier to use.

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Issue 5	<i>Elements of TxDOT's Contracting Functions Lack Efficiency and Could Expose the State to Unacceptable Levels of Risk.</i>
<i>Contracting Framework – Change in Statute</i>	
5.1	Authorize TxDOT to use the design-build model of project delivery for traditional highway projects.
<i>Contracting Framework – Change in Statute and Management Action</i>	
5.2	Remove provisions in statute and rule requiring TxDOT to advertise its contract solicitations in local or statewide newspapers.
<i>Contracting Procedures – Management Action</i>	
5.3	TxDOT should develop clear communication policies regarding contract solicitations for its professional services contracts.
5.4	TxDOT should provide additional information on overhead rates to districts and ensure that they use it.
5.5	TxDOT should set timeframes for each major step in the development of professional services contracts.
<i>Staffing and Oversight – Management Action</i>	
5.6	TxDOT should consider providing additional professional staff to support its Consultant Contract Office.
5.7	TxDOT should strengthen oversight and accountability of professional services contracts in its district offices.
5.8	TxDOT should require contract management training for its professional services project managers and other employees involved in professional services contract administration.
<i>Staffing and Oversight – Change in Statute</i>	
5.9	Require comprehensive development agreements or related types of agreements for privately operated toll roads to be certified by the Comptroller of Public Accounts and approved by the Attorney General.

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Issue 6 TxDOT's Motor Vehicle Functions Do Not Fit Within Its Core Mission to Plan, Build, and Maintain the State's Transportation System.	
Change in Statute	
6.1	Transfer motor vehicle functions currently at TxDOT to a newly created Texas Department of Motor Vehicles.
<i>Note: The 81st Legislature passed House Bill 3097 that created the Texas Department of Motor Vehicles (DMV). The bill transferred the Motor Carrier Division (excluding oversize/overweight vehicle permitting and enforcement), Motor Vehicle Division, Vehicle Titles and Registration Division, and the Automobile Burglary and Theft Prevention Authority from TxDOT to the DMV on November 1, 2009.</i>	
Issue 7 More Information Is Needed to Improve Regulation of Oversize and Overweight Vehicles to Prevent Damage to Roads and Bridges.	
Change in Statute	
7.1	Require the new Texas Department of Motor Vehicles to review and report on improving the regulation of oversize and overweight vehicles.
<i>Note: TxDOT's oversize/overweight vehicle permitting and enforcement function was not transferred to the Texas Department of Motor Vehicles as part of House Bill 3097, 81st Legislature, so this recommendation would continue to apply to TxDOT.</i>	
Issue 8 Key Elements of TxDOT's Regulation of Motor Vehicle Dealers, Salvage Vehicle Dealers, and Household Goods Carriers Do Not Conform to Commonly Applied Licensing Practices.	
<i>Note: The 81st Legislature passed House Bill 3097 that created the Texas Department of Motor Vehicles (DMV). The bill transferred the Motor Carrier Division (excluding oversize/overweight vehicle permitting and enforcement), Motor Vehicle Division, Vehicle Titles and Registration Division, and the Automobile Burglary and Theft Prevention Authority from TxDOT to the DMV on November 1, 2009. As a result of this transfer, the Sunset Commission's recommendations regarding the regulation of motor vehicle dealers, salvage vehicle dealers, and household goods carriers will be re-evaluated when the DMV undergoes Sunset review in 2015.</i>	
Issue 9 The State's Overall Approach to Outdoor Advertising Does Not Follow Common Regulatory Practices and May Result in Inequities in Valuation.	
Program Structure – Management Action	
9.1	TxDOT should centralize the outdoor advertising regulatory program, requiring staff to report to the Right-of-Way Division instead of district engineers.

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Administration – Change in Statute	
9.2	Require an outdoor advertising license with standard enforcement provisions for operators on rural roads that matches the requirements to operate on federal-aid roads.
9.3	Standardize the appeals process for denied sign permits by eliminating the Board of Variance.
9.4	Require that TxDOT deposit all outdoor advertising fees into the General Revenue-Dedicated Texas Highway Beautification Account.
Administration – Management Action	
9.5	TxDOT should ensure that the cost of regulating outdoor advertising is covered by fee revenue generated by the program.
Licensing – Change in Statute	
9.6	Authorize the Department to deny license renewal if a licensee's permits are in poor standing.
Enforcement – Change in Statute	
9.7	Require the Department to develop a complaints process, track and report complaints, and provide information to the public about how to file a complaint.
9.8	Provide standard administrative penalty authority for both federal-aid and rural roads, and require that all fines be deposited into the General Revenue-Dedicated Texas Highway Beautification account.
Enforcement – Management Action	
9.9	The Department should scale enforcement actions to the seriousness of offenses.
Cost of Outdoor Advertising – Change in Statute	
9.10	Require cities to pay the costs of condemnation if they do not allow relocation of billboards affected by state roadway projects within their jurisdictions.
Cost of Outdoor Advertising – Recommendation to Legislative Committees	
9.11	Request that the Legislature, through the appropriate legislative committees, consider the process for valuation of outdoor advertising for condemnation and ad valorem tax purposes, with a goal towards resolving inequities.

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9.12 Request that the Senate Committee on Transportation and Homeland Security and the House Committee on Transportation establish a task force to study costs associated with outdoor advertising regulation.
Issue 10 <i>TxDOT Does Not Provide Adequate Attention to Rail Transportation Issues.</i>
<i>Change in Statute</i>
10.1 Require TxDOT to establish a Rail Transportation Division.
<i>Management Action</i>
10.2 Direct TxDOT to study the feasibility of selling the South Orient Railroad and report to the Legislature.
Issue 11 <i>Unmanaged Dynamic Message Signs May Affect TxDOT's Ability to Ease Traffic Flows.</i>
<i>Change in Statute</i>
11.1 Require all electronic signage to be actively managed to mitigate congestion, including designating alternative routes.
Issue 12 <i>TxDOT Has Not Spent Its Green Ribbon Project Allocation in a Timely Manner.</i>
<i>Change in Statute</i>
12.1 Require one half of one percent of highway or toll road projects be spent on landscaping projects in non-attainment and near non-attainment areas.
Issue 13 <i>Lack of Comprehensive Information About TxDOT's Use of Propane May Affect Decisions Regarding Its Alternative Fuel Vehicle Fleet.</i>
<i>Management Action</i>
13.1 Direct TxDOT to report to the Legislature on opportunities and challenges for increasing the use of propane vehicles in its fleet.