

1 SB1
2 113325-1
3 By Senator French
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10
6 PFD: 05/16/2009

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8 SYNOPSIS: This bill would authorize the Joint
9 Transportation Committee to call for and conduct an
10 administrative hearing with the Department of
11 Transportation and any private business person or
12 entity involving a civil dispute or conflict.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 29-2-4, Code of Alabama 1975,
19 relating to the duties of the Joint Transportation Committee;
20 to authorize the committee to call for and conduct an
21 administrative hearing involving a civil dispute or conflict
22 between the department and any private business person or
23 entity.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 29-2-4, Code of Alabama 1975, is
26 amended to read as follows:

27 "§29-2-4.

1 "a) The powers and duties of the Joint
2 Transportation Committee shall be the following:

3 "(1) It shall review and concur in a long-range
4 (five-year) federal-aid highway plan for proposed highway
5 construction of all highways on the state highway system,
6 which long-range plan shall commence with the fiscal year of
7 the state beginning October 1, 1989. Prior to any deviation
8 from the intent of the five-year plan, the Joint
9 Transportation Committee shall review and concur in the
10 deviation, except commitments for highway projects necessary
11 for new or expanded industry. Commitments for these industry
12 projects shall be included in the next quarterly report by the
13 Department of Transportation. The plan shall be updated
14 annually. The plans in appropriate form shall be made
15 available to all government agencies and all members of the
16 public and news media.

17 "(2) The review and concurrence in annual update of
18 the five-year highway plan shall be accomplished by the Joint
19 Transportation Committee prior to September 1 each year.
20 ~~Failure of the Joint Transportation Committee to concur in the~~
21 ~~annual update will not prevent the Department of~~
22 ~~Transportation from proceeding with any project~~ The Department
23 of Transportation shall not proceed with any program or
24 project prior to the express approval of the program or
25 project by the Joint Transportation Committee.

26 "(3) It shall review the budget for highway
27 construction, maintenance, operation, and administration of

1 the Department of Transportation on an annual basis, which
2 budget shall be reviewed not later than the fifteenth
3 legislative day of each annual session of the Legislature.

4 "(4) It shall issue a report to the Governor,
5 Lieutenant Governor, House of Representatives, Senate, and
6 public within the first 10 legislative days of each annual
7 regular legislative session, comparing actual performance of
8 the Department of Transportation in terms of highway
9 construction, maintenance, and costs of the same, to the
10 original plan for the immediate preceding fiscal year.

11 "(5) It shall recommend to the Governor necessary
12 funding for Department of Transportation budgets to the extent
13 necessary beyond funds already provided by law.

14 "(6) It may retain the services of outside
15 consultants, if necessary, and consult with other groups and
16 individuals, including public interest groups, interested
17 individuals, and appropriate departments of the University of
18 Alabama, Auburn University, and other state institutions.

19 "(7) It may hold public hearings, shall make
20 diligent inquiry and a full examination of the long-range
21 future highway needs of the state, and shall file all reports
22 of its findings and recommendations with both houses of the
23 Legislature and with the Governor.

24 "(8) It may call witnesses and do all things
25 necessary or convenient in connection with and all things
26 incidental to performance of the foregoing duties and powers.

1 "(9) In performing its functions, the Joint
2 Transportation Committee shall take into consideration, in
3 determining plans for highway construction and maintenance,
4 among other factors all of the following:

5 "a. Commuter benefits in the form of direct savings
6 to working men and women traveling to and from their jobs in
7 the state.

8 **"b. Industrial and agricultural growth, including**
9 **specifically, practices and policies of the Department of**
10 **Transportation that will facilitate the industrial development**
11 **efforts of private businesses that seek readily available**
12 **access to state roads and highways.**

13 "c. Transportation safety.

14 "d. Ecological impacts of transportation projects.

15 "e. Recreation and tourism.

16 "f. Traffic density.

17 **"(b) (1) The committee shall have the additional**
18 **power to call for and conduct administrative hearings and to**
19 **issue advisory opinions regarding conflicts or civil disputes**
20 **between the Alabama Department of Transportation and private**
21 **business individuals and entities.**

22 **"(2) In any administrative hearing conducted by the**
23 **committee, the committee may compel the attendance of**
24 **witnesses and the providing of documents and data necessary**
25 **for the committee to conduct its hearings.**

26 **"(3) The committee shall strive to conduct any**
27 **administrative hearing consistent with concepts of judicial**

1 equity and may follow guidelines provided by the Alabama
2 Center for Dispute Resolution; however, the committee shall
3 not be required to adhere to such guidelines.

4 "(4) After hearing all testimony and reviewing all
5 pertinent testimony and facts of the dispute, the committee
6 shall issue an advisory opinion.

7 "(5) The causes of action and remedies provided in
8 this act are not intended to be the exclusive remedies
9 available to a consumer or injured party, nor must the
10 consumer or injured party exhaust any administrative remedies
11 provided under this act or any other applicable law."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.