

By: Watson, Shapleigh

S.B. No. 2017

A BILL TO BE ENTITLED

AN ACT

relating to public participation in the development of transportation projects by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.605 to read as follows:

Sec. 201.605. PUBLIC PARTICIPATION. (a) The commission by rule shall provide for the department to hold, or provide the opportunity for, one or more public hearings for any transportation project owned or operated by the department that requires the acquisition of significant amounts of rights-of-way, substantially changes the layout or functions of connecting roadways or of a facility being improved, has a substantial adverse impact on abutting property, or otherwise has a significant social, economic, environmental, or other effect, or for which the department determines that a public hearing is in the public interest. The rules must provide for the public's submission of oral or written comments and the department's preparation of written responses to the comments. The department shall prepare a transcript of any oral comments submitted.

(b) The commission by rule shall provide for the department to hold, or provide the opportunity for, one or more public meetings for an informal exchange of information between the department and the public for a transportation project owned or operated by the

1 department. The rules must provide for the public meetings to be
2 held at the earliest stages of the project as possible.

3 (c) Notice of a public hearing or a public meeting under
4 this section must:

5 (1) be by publication in the locality of the
6 transportation project not less than seven or more than 20 days
7 before the date of the hearing or meeting;

8 (2) be distributed to the public not less than seven
9 days before the date of the hearing or meeting using methods
10 suitable for the distribution given the nature of the
11 transportation project and the populations that may be affected by
12 it;

13 (3) be simple, readable, and informative;

14 (4) include:

15 (A) the name and description of the project;

16 (B) a map or graphic illustration of the project;

17 (C) the reason for the project;

18 (D) the purpose of the hearing or meeting;

19 (E) the location, date, and time of the hearing
20 or meeting;

21 (F) a contact telephone number for information
22 about the hearing or meeting; and

23 (G) the Internet website address where project
24 information and the materials used at the hearing or meeting may be
25 viewed; and

26 (5) if the population that will be affected by the
27 project is significantly non-English-speaking, also be published

1 in the dominant language of a majority of that population.

2 (d) Any interested person may attend a public hearing or a
3 public meeting held under this section.

4 (e) The department shall publish on its Internet website any
5 materials used at a public hearing or public meeting not later than
6 the third day after the date of the hearing or meeting.

7 (f) If the department holds more than one public hearing or
8 one public meeting for a transportation project, the department
9 shall vary the scheduling of the hearings or meetings to
10 accommodate persons living in different geographic areas affected
11 by the project and persons with varied work schedules.

12 (g) The department's presentation of information at a
13 public hearing or meeting must include:

14 (1) the design and schematic layout of the project;
15 (2) the problem or need to be addressed by the project;
16 (3) a reference to the part of the department's
17 mission, strategic plan, or legislative direction that is furthered
18 by the project, and the project's relation to the local planning
19 process;

20 (4) an explanation using diagrams, flowcharts, or
21 other devices to illustrate procedural steps of the project, and an
22 estimated timeline leading to the completion of the project; and

23 (5) a discussion of significant impacts of the
24 project.

25 (h) The department shall make available an electronic mail
26 address or Internet website that may be used to submit public
27 comments concerning a project.

1 (i) The commission by rule shall provide owners of adjoining
2 property and affected local governments and public officials with
3 notice and an opportunity for comment on a state highway project
4 that involves:

5 (1) the addition of one or more vehicular lanes to an
6 existing highway; or

7 (2) the construction of a highway at a new location.

8 (j) The commission by rule shall provide procedures for
9 informing adjoining property owners and affected local governments
10 and public officials of impending construction.

11 SECTION 2. Subchapter B, Chapter 203, Transportation Code,
12 is repealed.

13 SECTION 3. This Act takes effect January 1, 2010.