

1-1 By: Watson S.B. No. 2017  
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 16, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 16, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2017 By: Watson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to public participation in the development of  
1-11 transportation projects by the Texas Department of Transportation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter H, Chapter 201, Transportation Code,  
1-14 is amended by adding Section 201.605 to read as follows:

1-15 Sec. 201.605. PUBLIC PARTICIPATION. (a) The commission by  
1-16 rule shall provide for the department to hold, or provide the  
1-17 opportunity for, one or more public hearings for any transportation  
1-18 project owned or operated by the department that requires the  
1-19 acquisition of significant amounts of rights-of-way, substantially  
1-20 changes the layout or functions of connecting roadways or of a  
1-21 facility being improved, has a substantial adverse impact on  
1-22 abutting property, or otherwise has a significant social, economic,  
1-23 environmental, or other effect, or for which the department  
1-24 determines that a public hearing is in the public interest. The  
1-25 rules must provide for the public's submission of oral or written  
1-26 comments and the department's preparation of written responses to  
1-27 the comments. The department shall prepare a transcript of any oral  
1-28 comments submitted.

1-29 (b) The commission by rule shall provide for the department  
1-30 to hold, or provide the opportunity for, one or more public meetings  
1-31 for an informal exchange of information between the department and  
1-32 the public for a transportation project owned or operated by the  
1-33 department. The rules must provide for the public meetings to be  
1-34 held at the earliest stages of the project as possible.

1-35 (c) Notice of a public hearing or a public meeting under  
1-36 this section must:

1-37 (1) be by publication in the locality of the  
1-38 transportation project not less than seven or more than 20 days  
1-39 before the date of the hearing or meeting;

1-40 (2) be distributed to the public not less than seven  
1-41 days before the date of the hearing or meeting using methods  
1-42 suitable for the distribution given the nature of the  
1-43 transportation project and the populations that may be affected by  
1-44 it;

1-45 (3) be simple, readable, and informative;

1-46 (4) include:

1-47 (A) the name and description of the project;

1-48 (B) a map or graphic illustration of the project;

1-49 (C) the reason for the project;

1-50 (D) the purpose of the hearing or meeting;

1-51 (E) the location, date, and time of the hearing  
1-52 or meeting;

1-53 (F) a contact telephone number for information  
1-54 about the hearing or meeting; and

1-55 (G) the Internet website address where project  
1-56 information and the materials used at the hearing or meeting may be  
1-57 viewed; and

1-58 (5) if the population that will be affected by the  
1-59 project is significantly non-English-speaking, also be published  
1-60 in the dominant language of a majority of that population.

1-61 (d) Any interested person may attend a public hearing or a  
1-62 public meeting held under this section.

1-63 (e) The department shall publish on its Internet website any

2-1 materials used at a public hearing or public meeting not later than  
2-2 the third day after the date of the hearing or meeting.

2-3 (f) If the department holds more than one public hearing or  
2-4 one public meeting for a transportation project, the department  
2-5 shall vary the scheduling of the hearings or meetings to  
2-6 accommodate persons living in different geographic areas affected  
2-7 by the project and persons with varied work schedules.

2-8 (g) The department's presentation of information at a  
2-9 public hearing or meeting must include:

2-10 (1) the design and schematic layout of the project;

2-11 (2) the problem or need to be addressed by the project;

2-12 (3) a reference to the part of the department's  
2-13 mission, strategic plan, or legislative direction that is furthered  
2-14 by the project, and the project's relation to the local planning  
2-15 process;

2-16 (4) an explanation using diagrams, flowcharts, or  
2-17 other devices to illustrate procedural steps of the project, and an  
2-18 estimated timeline leading to the completion of the project; and

2-19 (5) a discussion of significant impacts of the  
2-20 project.

2-21 (h) The department shall make available an electronic mail  
2-22 address or Internet website that may be used to submit public  
2-23 comments concerning a project.

2-24 (i) The commission by rule shall provide owners of adjoining  
2-25 property and affected local governments and public officials with  
2-26 notice and an opportunity for comment on a state highway project  
2-27 that involves:

2-28 (1) the addition of one or more vehicular lanes to an  
2-29 existing highway; or

2-30 (2) the construction of a highway at a new location.

2-31 (j) The commission by rule shall provide procedures for  
2-32 informing adjoining property owners and affected local governments  
2-33 and public officials of impending construction.

2-34 SECTION 2. Subchapter B, Chapter 203, Transportation Code,  
2-35 is repealed.

2-36 SECTION 3. This Act takes effect January 1, 2010.

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