

BILL ANALYSIS

C.S.H.B. 1105
By: Harper-Brown
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that, like other states, Texas has underinvested in pedestrian and bicycling infrastructure as a complement to its motor vehicle infrastructure, despite the relatively low cost of installing pedestrian and bicycling infrastructure within the economy of scale of major roadway construction or expansion projects. C.S.H.B. 1105 seeks to ensure that all forms of transportation, including walking and bicycling, are appropriately considered as part of certain transportation projects.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1105 amends the Transportation Code to establish a complete streets policy and sets out certain requirements for the Texas Department of Transportation (TxDOT) related to the public purpose of the policy. The bill defines "complete streets policy" and "local authority."

C.S.H.B. 1105 requires the Texas Transportation Commission to adopt a complete streets policy and, in so doing, to consider best practices and guidance from certain federal and state resources. The bill requires the commission to ensure that transportation planning, design, construction, and reconstruction and improvements to streets, highways, and other projects under the commission's jurisdiction comply with the policy.

C.S.H.B. 1105 requires a local authority to ensure that all transportation planning, design, construction, and reconstruction; street or highway improvements; and access roads, bicycle paths, and sidewalks to public transportation comply with the policy if federal or state funds are used. The bill requires a metropolitan planning organization, to the extent consistent with federal law, to ensure that any transportation improvement plan complies with the complete streets policy.

C.S.H.B. 1105 exempts a transportation project from the policy if the use of a particular street or highway by bicyclists or pedestrians is prohibited by law, if the cost to comply with the policy would be excessively disproportionate to the present or future need or probable use of the particular street or highway, or if a sparseness of population indicates an absence of future need. The bill requires an exemption from the policy to be approved by TxDOT or a local authority, as appropriate, and supported by publicly available documentation.

C.S.H.B. 1105 requires TxDOT or a local authority, as appropriate, to certify that an eligible transportation project complies with the policy in all aspects of project development and provides that no additional certification is required unless the scope of the project changes.

C.S.H.B. 1105 requires the commission to publish a best practices report not later than July 1,

2014, describing how TxDOT, local authorities, and metropolitan planning organizations have changed their procedures to implement the complete streets policy and including a list of transportation projects exempted from the policy. The bill requires the commission, in publishing the report, to consider procedures for identifying the needs of users of all ages and abilities, the types and designs of facilities needed to serve those users, measures of effectiveness that document the results of implementing the policy in connection with transportation projects under the commission's jurisdiction, and procedures for identifying and overcoming barriers to implementing the policy.

C.S.H.B. 1105 makes the bill's provisions relating to the complete streets policy inapplicable to a roadway project if a draft Environmental Impact Statement, Environmental Assessment, or Environmental Reevaluation for the roadway project is submitted to the regulatory agency in accordance with the National Environmental Policy Act before September 1, 2011.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1105 differs from the original by requiring the Texas Department of Transportation (TxDOT) to consider, rather than provide for, as in the original, the needs of motorists, public transportation vehicles, users of public transportation, bicyclists, and pedestrians of all ages and abilities in all transportation planning, design, construction, reconstruction, retrofitting, operations, and maintenance.

C.S.H.B. 1105 omits a definition included in the original for "excessively disproportionate."

C.S.H.B. 1105 differs from the original by requiring TxDOT or local authority approval for an exemption from the requirement for compliance with the complete streets policy, whereas the original requires Texas Transportation Commission or local authority approval.

C.S.H.B. 1105 differs from the original by requiring TxDOT or local authority certification that each transportation project complies with the complete streets policy, whereas the original requires commission or local authority certification. The substitute differs from the original by providing that no additional certification is required unless the scope of the transportation project changes, rather than the plans for the transportation project change, as in the original.

C.S.H.B. 1105 differs from the original by setting the deadline for the commission to publish a best practices report on July 1, 2014, rather than September 1, 2013, as in the original.

C.S.H.B. 1105 contains a provision not included in the original making the substitute's provisions relating to the complete streets policy inapplicable to a roadway project if a draft Environmental Impact Statement, Environmental Assessment, or Environmental Reevaluation for the roadway project is submitted to the regulatory agency in accordance with the National Environmental Policy Act before September 1, 2011.

C.S.H.B. 1105 differs from the original in nonsubstantive ways.