

By: Watson

S.B. No. 1137

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

SUBCHAPTER H-1. PUBLIC PARTICIPATION

Sec. 201.651. PUBLIC HEARINGS. (a) The commission by rule shall provide for the department to hold one or more public hearings for any transportation project owned or operated by the department for which the department determines that a public hearing is in the public interest or that:

(1) requires the acquisition of significant amounts of rights-of-way;

(2) substantially changes the layout or function of connecting roadways or of a facility being improved;

(3) has a substantial adverse impact on adjoining property; or

(4) otherwise has a significant social, economic, environmental, or other impact.

(b) Any interested person may attend a public hearing held under this section.

Sec. 201.652. PUBLIC COMMENT FOR PUBLIC HEARINGS. The commission by rule shall:

1           (1) provide for the public to submit oral or written  
2 comments regarding a project described by Section 201.651;

3           (2) provide for the department to prepare written  
4 responses to the comments; and

5           (3) provide for the department to prepare a transcript  
6 of any oral comments submitted under this section.

7           Sec. 201.653. PUBLIC MEETINGS. The commission by rule  
8 shall provide for the department to hold one or more public meetings  
9 for an informal exchange of information between the department and  
10 the public for a transportation project owned or operated by the  
11 department. The rules must provide for the public meetings to be  
12 held at the earliest possible stage of the project. Any interested  
13 person may attend a public meeting held under this section.

14           Sec. 201.654. NOTICE OF PUBLIC HEARING OR PUBLIC MEETING.

15 (a) The department shall provide notice of a public hearing under  
16 Section 201.651 or a public meeting under Section 201.653. The  
17 notice must be clear, easily readable, and informative, and must  
18 include:

19           (1) the name and a description of the project;

20           (2) a map or graphic illustration of the project;

21           (3) the reason for the project;

22           (4) the purpose of the hearing or meeting;

23           (5) the location, date, and time of the hearing or  
24 meeting;

25           (6) a contact telephone number for information about  
26 the hearing or meeting; and

27           (7) the Internet website address where project

1 information and the materials used at the hearing or meeting may be  
2 accessed.

3 (b) The notice required by Subsection (a) must:

4 (1) be published in a newspaper of general circulation  
5 in the county of the transportation project not less than 7 or more  
6 than 20 days before the date of the hearing or meeting;

7 (2) be published in English and in the dominant  
8 language of a majority of the county's population if the population  
9 that will be affected by the project is significantly  
10 non-English-speaking; and

11 (3) be distributed to the public not less than seven  
12 days before the date of the hearing or meeting using methods  
13 suitable for the distribution given the nature of the  
14 transportation project and the populations that may be affected by  
15 the project.

16 (c) The methods of distributing the notice under Subsection  
17 (b)(3) include:

18 (1) hand-delivered or mailed notices;

19 (2) press releases to media outlets; and

20 (3) dynamic message signs.

21 Sec. 201.655. SCHEDULING PUBLIC HEARING OR PUBLIC MEETING.

22 If the department holds more than one public hearing or more than  
23 one public meeting for a transportation project, the department  
24 shall vary the scheduling of the hearings or meetings to  
25 accommodate persons living in different geographic areas affected  
26 by the project and persons with varied work schedules.

27 Sec. 201.656. PRESENTATION OF INFORMATION. (a) The

1 department's presentation of information at a public hearing or  
2 meeting must include:

3 (1) the design and schematic layout of the project;

4 (2) the problem or need the project will address;

5 (3) a reference to the department's mission, strategic  
6 plan, or legislative direction that is furthered by the project;

7 (4) the project's relation to the local planning  
8 process;

9 (5) an explanation, using diagrams, flowcharts, or  
10 other devices, of the procedural steps of the project and the  
11 estimated timeline for the project; and

12 (6) a discussion of significant social, economic,  
13 environmental, or other impacts of the project.

14 (b) The department shall publish on its Internet website any  
15 materials used at a public hearing or public meeting not later than  
16 the third day after the date of the hearing or meeting.

17 (c) The department shall make available an e-mail address or  
18 Internet website that may be used to submit public comments  
19 concerning a project.

20 Sec. 201.657. NOTIFYING ADJOINING PROPERTY OWNERS.

21 (a) The commission by rule shall provide owners of adjoining  
22 property and affected local governments and public officials with  
23 notice and an opportunity for comment on a state highway project  
24 that involves:

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

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

1        (b) The commission by rule shall provide procedures for  
2 informing adjoining property owners and affected local governments  
3 and public officials of impending construction.

4        SECTION 2. Subchapter B, Chapter 203, Transportation Code,  
5 is repealed.

6        SECTION 3. This Act takes effect January 1, 2012.