

By: Burkett

H.B. No. 790

A BILL TO BE ENTITLED

AN ACT

relating to noise abatement procedures on certain turnpikes.

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

SECTION 1. Subchapter E, Chapter 366, Transportation Code, is amended by adding Section 366.186 to read as follows:

Sec. 366.186. NOISE ABATEMENT PROCEDURES. (a) An authority shall conduct a study and an analysis of traffic noise in a neighborhood on receipt of a petition requesting the study. The petition must:

(1) state the segment of a turnpike project that is at least 1,000 feet in length for which the study is sought; and

(2) be signed by at least 70 percent of the property owners who reside within 1,000 feet of the segment.

(b) Not later than six months after receiving a petition under Subsection (a), an authority shall publish the results of a study conducted under that subsection.

(c) An authority shall erect a sound barrier wall adjacent to a neighborhood if a study conducted under Subsection (a) finds:

(1) an exterior noise decibel level of 60 dBA Leq or more on land used for a picnic area, a recreation area, a playground, an active sports area, a park, a residence, a motel, a hotel, a school, a church, a library, or a hospital; or

(2) an interior noise decibel level of 45 dBA Leq or more on land used for a residence, a motel, a hotel, a school, a

1 church, a library, or a hospital.

2 (d) An authority required to erect a sound barrier under
3 Subsection (c) shall begin construction not later than the 30th day
4 after the date the authority publishes the results of the study.

5 (e) A sound barrier erected under Subsection (c) must be
6 located immediately adjacent to the turnpike project and must have
7 a height of not less than 10 feet.

8 (f) In addition to a study required under Subsection (a),
9 after normal traffic patterns have been established for a turnpike
10 project, but not later than one year after completion of
11 construction of the turnpike, an authority shall conduct a study
12 and an analysis of traffic noise on the turnpike to determine if the
13 level of traffic noise meets the applicable level of traffic noise
14 recommended in the Highway Traffic Noise: Analysis and Abatement
15 Guidance issued by the United States Department of Transportation
16 Federal Highway Administration.

17 (g) An authority shall set aside five percent of each toll
18 collected to be used for the purpose of addressing traffic noise on
19 a turnpike project.

20 SECTION 2. Section 366.186(f), Transportation Code, as
21 added by this Act, applies only to a turnpike project that is
22 completed on or after the effective date of this Act. A turnpike
23 project that is completed before the effective date of this Act is
24 governed by the law in effect on the date of completion, and that
25 law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2015.