

By: Darby, Coleman, et al.

H.B. No. 3302

A BILL TO BE ENTITLED

AN ACT

relating to highway landscaping projects.

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

SECTION 1. Subchapter A, Chapter 392, Transportation Code, is amended by adding Sections 392.004 and 392.005 to read as follows:

Sec. 392.004. REGIONALLY APPROPRIATE LANDSCAPING. (a) The department shall establish guidelines for a beautification project on a state highway right-of-way that require the use of only regionally appropriate plants. The guidelines must prioritize the use of plants that are:

(1) low maintenance; and

(2) drought resistant if used for a beautification project located in an area of this state that experiences frequent droughts.

(b) A district may use plants that are not regionally appropriate for a beautification project if a municipality or county:

(1) participates in the design and decision to use a plant that is not regionally appropriate; and

(2) agrees to a long-term maintenance agreement of the beautification project.

Sec. 392.005. EXPENDITURES FOR HIGHWAY LANDSCAPING. (a)

In this section, "landscaping improvement" means:

1 (1) the planting of regionally appropriate plants
2 selected under the guidelines established under Section 392.004; or

3 (2) the preparation of soil or the installation of
4 irrigation systems for the growth of plants described by
5 Subdivision (1).

6 (b) For each highway project contract that involves the
7 expenditure of \$5 million or more, the department shall allocate
8 money for landscaping improvements to the district in which the
9 highway project is located. If the highway project is located in
10 more than one district, the department shall divide the money
11 according to the amount under the contract to be spent in each
12 district. The department, before allocating money to a district,
13 may take into consideration financial assistance from a political
14 subdivision or a private organization for landscaping
15 improvements.

16 (c) The total amount of money allocated for landscaping
17 improvements for a highway project contract under Subsection (b)
18 may not exceed:

19 (1) one percent of the lesser of:

20 (A) the estimated total amount to be spent under
21 contract for construction, maintenance, or improvement of the
22 highway if that total amount is less than \$50 million; or

23 (B) the actual total amount spent under contract
24 for construction, maintenance, or improvement of the highway if
25 that total amount is less than \$50 million; or

26 (2) one-half of one percent of the lesser of:

27 (A) the estimated total amount to be spent under

1 contract for construction, maintenance, or improvement of the
2 highway if that total amount is \$50 million or more; or

3 (B) the actual total amount spent under contract
4 for construction, maintenance, or improvement of the highway if
5 that total amount is \$50 million or more.

6 (d) A district that receives money from the department under
7 Subsection (b) may spend the amount only for landscaping
8 improvements related to:

9 (1) the highway project that is the subject of the
10 contract under Subsection (b); or

11 (2) another highway or highway segment located in the
12 district.

13 (e) This section does not apply to a contract awarded for:

14 (1) an emergency highway improvement project under
15 Subchapter C, Chapter 223;

16 (2) silt and erosion control or repair; and

17 (3) planting grass required by federal regulation.

18 SECTION 2. This Act takes effect September 1, 2015.