

By: Darby

H.B. No. 3302

Substitute the following for H.B. No. 3302:

By: Pickett

C.S.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. NATIVE OR REGIONALLY APPROPRIATE LANDSCAPING. The department shall establish guidelines for a beautification project on a state highway right-of-way that require the use of only native or 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.

Sec. 392.005. EXPENDITURES FOR HIGHWAY LANDSCAPING. (a)
In this section, "landscaping improvement" means:

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

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

(b) For each highway project contract that involves the

1 expenditure of \$5 million or more, the department shall allocate
2 money for landscaping improvements to the district in which the
3 highway project is located. If the highway project is located in
4 more than one district, the department shall divide the money
5 according to the amount under the contract to be spent in each
6 district. The department, before allocating money to a district,
7 may take into consideration financial assistance from a political
8 subdivision or a private organization for landscaping
9 improvements.

10 (c) The total amount of money allocated for landscaping
11 improvements for a highway project contract under Subsection (b)
12 may not exceed:

13 (1) one percent of the lesser of:

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

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

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

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

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

27 (d) A district that receives money from the department under

1 Subsection (b) may spend the amount only for landscaping
2 improvements related to:

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

5 (2) another highway or highway segment located in the
6 district.

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

8 (1) an emergency highway improvement project under
9 Subchapter C, Chapter 223;

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

11 (3) planting grass required by federal regulation.

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