

House Bill 3302
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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) the planting of 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 expenditure of \$5 million or more, the department shall allocate money for landscaping improvements to the district in which the highway project is located. If the highway project is

SENATE VERSION (CS)

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Sec. 392.004. 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 regionally appropriate plants.

CONFERENCE

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located in more than one district, the department shall divide the money according to the amount under the contract to be spent in each district. The department, before allocating money to a district, may take into consideration financial assistance from a political subdivision or a private organization for landscaping improvements.

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

(1) one percent of the lesser of:

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

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

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

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

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

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

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

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

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

(1) an emergency highway improvement project under

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Subchapter C, Chapter 223:

(2) silt and erosion control or repair; and

(3) planting grass required by federal regulation.

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

SECTION 2. Same as House version.