

By: Beckley

H.B. No. 2312

A BILL TO BE ENTITLED

AN ACT

relating to the regulation by the Texas Department of Transportation of right-of-way landscaping installed by utilities.

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

SECTION 1. Subchapter C, Chapter 202, Transportation Code, is amended by adding Section 202.062 to read as follows:

Sec. 202.062. LANDSCAPING IN RIGHT-OF-WAY BY UTILITIES.

(a) In this section, "utility" means a person who owns or operates a utility facility in the right-of-way of a state highway, including a line, pipeline, conduit, or cable used to provide water, saltwater, steam, electricity, gas, oil, communications, or waste services.

(b) The department by rule shall require a utility that disturbs the right-of-way of a state highway while constructing or maintaining a utility facility in the right-of-way to install, at the utility's expense, in the right-of-way after the construction or maintenance is complete plants that:

(1) are native, regionally appropriate, and pollinator-friendly; and

(2) generally grow roots less than four feet below the surface.

(c) The department may consult with the Department of Agriculture as needed for the purposes of this section.

SECTION 2. This Act takes effect September 1, 2019.