88R3332 DRS-D

By:  Leo-Wilson H.B. No. 3281

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on certain roadway projects and to the distribution of affordable housing funds to local governmental entities that violate that prohibition.

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

SECTION 1.  Chapter 472, Transportation Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. CERTAIN ROADWAY PROJECTS PROHIBITED

Sec. 472.051.  DEFINITION. In this subchapter, "undivided laned roadway" means a roadway that has at least two clearly marked lanes for vehicular travel and is not divided by a median.

Sec. 472.052.  APPLICABILITY. This subchapter applies only to a roadway project that:

(1)  converts a four-lane undivided laned roadway to a three-lane undivided laned roadway consisting of two through lanes and a center two-way left turn lane and that reallocates roadway space to another use, including a bike lane, pedestrian refuge island, transit stop, or parking; or

(2)  narrows existing marked lanes on an undivided laned roadway to reallocate roadway space for a use other than the creation of an additional traffic lane.

Sec. 472.053.  CERTAIN ROADWAY PROJECTS PROHIBITED. A local governmental entity may not implement a roadway project described by Section 472.052 on a roadway maintained by the entity.

Sec. 472.054.  NOTICE REQUIRED FOR ROADWAY PROJECTS. A local governmental entity implementing a roadway project shall include the department's telephone number and the department's Internet website address in all public materials and communication about the project for the purpose of allowing a member of the public to submit a complaint regarding the project to the department.

Sec. 472.055.  INVESTIGATION BY DEPARTMENT. (a) If the department receives a complaint or otherwise is informed that a local governmental entity has implemented or plans to implement a roadway project described by Section 472.052, the department shall investigate whether the roadway project violates Section 472.053.

(b)  The department shall report the results of an investigation under Subsection (a) to:

(1)  the local governmental entity implementing the roadway project that is the subject of the investigation; and

(2)  the commission.

Sec. 472.056.  ACTION BY COMMISSION. If the commission finds, based on the results of an investigation under Section 472.055, that a roadway project of a local governmental entity violates Section 472.053, the commission shall deliver notice of the violation to:

(1)  the local governmental entity implementing the roadway project that is the subject of the violation; and

(2)  the Texas Department of Housing and Community Affairs.

Sec. 472.057.  APPEAL OF COMMISSION DETERMINATION. (a) Not later than the 30th day after the date a local governmental entity receives notice under Section 472.056 that a roadway project of the entity violates Section 472.053, the entity may contest the determination by filing an appeal with the department.

(b)  Not later than the 30th day after the date an appeal is filed with the department under Subsection (a), the department shall review the findings of the department's investigation under Section 472.055 and report the results of the review to the commission.

(c)  Not later than the 30th day after the date the commission receives the results of the department's review under Subsection (b), the commission shall determine whether the roadway project violates Section 472.053.

(d)  The commission shall deliver notice of the commission's determination to:

(1)  the local governmental entity that filed the appeal; and

(2)  the Texas Department of Housing and Community Affairs.

(e)  If the commission determines that the roadway project violates Section 472.053, the notice must include recommendations for implementing the roadway project in a manner that will not violate Section 472.053.

SECTION 2.  Section 2306.111, Government Code, is amended by adding Subsection (j) to read as follows:

(j)  The department may not provide financial assistance to a local governmental entity if the Texas Transportation Commission notifies the department under Section 472.056(2), Transportation Code, that a roadway project of the entity violates Section 472.053, Transportation Code. A prohibition on financial assistance to a local governmental entity under this subsection is in effect until the earlier of:

(1)  the end of the fiscal year of the entity following the fiscal year during which the department received notice under Section 472.056(2), Transportation Code; or

(2)  the date the department receives notification from the commission under Section 472.057(d), Transportation Code, that the entity has successfully appealed the commission's initial determination of a violation of Section 472.053, Transportation Code.

SECTION 3.  This Act takes effect September 1, 2023.