

By: Leo-Wilson

H.B. No. 3281

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 SUBCHAPTER E. CERTAIN ROADWAY PROJECTS PROHIBITED

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

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

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

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

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

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

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

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

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

16 (2) the commission.

17 Sec. 472.056. ACTION BY COMMISSION. If the commission
18 finds, based on the results of an investigation under Section
19 472.055, that a roadway project of a local governmental entity
20 violates Section 472.053, the commission shall deliver notice of
21 the violation to:

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

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

26 Sec. 472.057. APPEAL OF COMMISSION DETERMINATION. (a) Not
27 later than the 30th day after the date a local governmental entity

1 receives notice under Section 472.056 that a roadway project of the
2 entity violates Section 472.053, the entity may contest the
3 determination by filing an appeal with the department.

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

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

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

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

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

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

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

25 (j) The department may not provide financial assistance to a
26 local governmental entity if the Texas Transportation Commission
27 notifies the department under Section 472.056(2), Transportation

1 Code, that a roadway project of the entity violates Section
2 472.053, Transportation Code. A prohibition on financial
3 assistance to a local governmental entity under this subsection is
4 in effect until the earlier of:

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

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

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