By: Cook of Harris S.B. No. 355

A BILL TO BE ENTITLED

AN ACT

relating to establishing a highway construction mitigation program for certain highway construction projects.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.626 to read as follows:

Sec. 201.626. HIGHWAY CONSTRUCTION MITIGATION PROGRAM. (a) In this section:

(1) "Highway construction mitigation program" means the highway construction mitigation program established under this section.

(2) "Highway construction project" means a project involving the construction, maintenance, demolition, or improvement of a state highway.

(b) For the purpose of mitigating the negative effects of a highway construction project on adjacent neighborhoods, the department by rule shall establish and implement a highway construction mitigation program to fund projects that:

(1) reduce the impact of dust and noise from a highway construction project and mitigate air quality issues caused by a highway construction project;

(2) reduce the impact of adverse environmental consequences caused by a highway construction project;

(3) relocate fencing or other property structures as

necessary to accommodate a highway construction project; and

(4) restore or repair damage caused by a highway construction project to structures or fixtures located 500 feet or less from the highway construction project.

(c) The highway construction mitigation program must provide grants to eligible applicants to fund projects described by Subsection (b). For purposes of the highway construction mitigation program, an eligible applicant includes:

(1) the owner of a single-family home or duplex located 500 feet or less from a highway construction project;

(2) the owner of a multifamily home located 500 feet or less from a highway construction project;

(3) a religious organization that qualifies under Section 11.20, Tax Code, and owns a structure located 500 feet or less from a highway construction project; or

(4) a public school district in which a public school campus is located 500 feet or less from a highway construction project.

(d) A metropolitan planning organization or local authority shall ensure that the department provides highway construction mitigation program services for each highway construction project occurring within the boundaries of the organization or authority.

(e) Notwithstanding Subsection (b), the department is not required to establish and implement a highway construction mitigation program if the department receives notice from the United States Department of Transportation Federal Highway Administration that the establishment and implementation of a

highway construction mitigation program would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2. Notwithstanding Section 201.626, Transportation Code, as added by this Act, the Texas Department of Transportation is not required to comply with that section before January 1, 2028.

SECTION 3. This Act takes effect September 1, 2027.