By: Hall S.B. No. 441

A BILL TO BE ENTITLED

AN ACT

relating to limitations and prohibitions on certain roadway projects and to a prohibition on the distribution of affordable housing funds to local governments that implement certain prohibited roadway projects.

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

SECTION 1. Section 311.001(a), Transportation Code, is amended to read as follows:

(a) A home-rule municipality has delegated [~~exclusive~~] control over and under the public highways, streets, and alleys of the municipality.

SECTION 2. Section 311.007, Transportation Code, is amended to read as follows:

Sec. 311.007. CLOSING OF STREET OR ALLEY BY HOME-RULE MUNICIPALITY. (a) A home-rule municipality may vacate, abandon, or close a street or alley only if the governing body of the municipality:

(1) holds a hearing to solicit and consider public comment on the proposed vacation, abandonment, or closure;

(2) submits to the commission a request for approval of the proposed vacation, abandonment, or closure in the form of a petition that:

(A) provides details of the vacation, abandonment, or closure requested by the municipality;

(B) reviews and summarizes the comments from the hearing; and

(C) demonstrates that the vacation, abandonment, or closure would not increase vehicular congestion:

(i) in the municipality;

(ii) in any county in which the municipality is located; or

(iii) on the state highway system;

(3) receives commission approval of the vacation, abandonment, or closure requested in the petition submitted under Subdivision (2); and

(4) receives approval of two-thirds of the municipality's voters for the vacation, abandonment, or closure at an election held for that purpose on a uniform election date.

(b) Not later than 30 days before the date of a hearing required under Subsection (a)(1), the governing body of the municipality holding the hearing shall provide notice of the hearing to all residents who reside within a five-mile radius of the street or alley that is the subject of the hearing.

SECTION 3. 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, "roadway" means a road that has at least two clearly marked lanes for vehicular travel.

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

(1) reallocates existing vehicular roadway space, including a turn lane, to another use, including a bike lane, restricted lane as defined by Section 224.151, bus or transit lane, sidewalk, pedestrian refuge island, transit stop, or parking space; or

(2) narrows existing marked lanes on a roadway to reallocate roadway space for a use other than the creation of an additional general purpose 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 Internet website address in all public materials and communications about the project to allow 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 4. Section 2306.111, Government Code, is amended by adding Subsection (k) to read as follows:

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

(1) the end of the local government's fiscal year following the fiscal year during which the department receives 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 local government has successfully appealed the commission's initial determination of a violation of Section 472.053, Transportation Code.

SECTION 5. Section 311.001(c), Transportation Code, is repealed.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.