

BILL ANALYSIS

C.S.H.B. 790
By: Burkett
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned property owners maintain that current studies performed by regional tollway authorities are not consistently used to fix problems suggested by recent analyses of certain roadways. These owners believe this inconsistent use represents a waste of resources by given authorities and results in a lack of pragmatic measures implemented in regard to mitigating local concerns, such as noise arising from turnpike traffic. C.S.H.B. 790 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 790 requires the Texas A&M Transportation Institute to conduct a study assessing the implementation and effectiveness of sound mitigation measures on highways that are part of the state highway system and toll roads or turnpikes under the jurisdiction of a toll project entity. The bill requires the study to include an analysis of the process and methodology used by the Texas Department of Transportation (TxDOT) or toll project entity for selecting and implementing sound mitigation measures, including factors that affect the process and how outcomes are determined; an analysis of whether any kind of live testing is conducted at any point to determine the actual traffic noise level for neighboring properties; an evaluation of the effectiveness of the process and methodology used by TxDOT or a toll project entity for selecting and implementing sound mitigation measures in reducing the traffic noise level for neighboring properties; and an evaluation of the effectiveness of implemented sound mitigation measures in reducing the traffic noise level for neighboring properties. The bill requires the institute, not later than November 1, 2016, to submit a report on the results of the study and any recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over transportation matters. The bill's provisions expire August 31, 2017.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 790 may differ from the original in minor or nonsubstantive ways, the following

84R 28573

15.127.641

Substitute Document Number: 84R 27821

comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter E, Chapter 366, Transportation Code, is amended by adding Section 366.186 to read as follows:

Sec. 366.186. NOISE ABATEMENT PROCEDURES. (a) An authority shall conduct a study and an analysis of traffic noise in a neighborhood on receipt of a petition requesting the study. The petition must:

(1) state the segment of a turnpike project that is at least 1,000 feet in length for which the study is sought; and

(2) be signed by at least 70 percent of the property owners who reside within 1,000 feet of the segment.

(b) Not later than six months after receiving a petition under Subsection (a), an authority shall publish the results of a study conducted under that subsection.

(c) An authority shall erect a sound barrier wall adjacent to a neighborhood if a study conducted under Subsection (a) finds:

(1) an exterior noise decibel level of 60 dBA Leq or more on land used for a picnic area, a recreation area, a playground, an active sports area, a park, a residence, a motel, a hotel, a school, a church, a library, or a hospital; or

(2) an interior noise decibel level of 45 dBA Leq or more on land used for a residence, a motel, a hotel, a school, a church, a library, or a hospital.

(d) An authority required to erect a sound barrier under Subsection (c) shall begin construction not later than the 30th day after the date the authority publishes the results of the study.

(e) A sound barrier erected under Subsection (c) must be located immediately adjacent to the turnpike project and must have a height of not less than 10 feet.

(f) In addition to a study required under Subsection (a), after normal traffic patterns have been established for a turnpike project, but not later than one year after completion of construction of the turnpike, an authority shall conduct a study and an analysis of traffic noise on the turnpike to determine if the level of traffic noise meets the applicable level of traffic noise

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

recommended in the Highway Traffic Noise: Analysis and Abatement Guidance issued by the United States Department of Transportation Federal Highway Administration.

(g) An authority shall set aside five percent of each toll collected to be used for the purpose of addressing traffic noise on a turnpike project.

SECTION 2. Section 366.186(f), Transportation Code, as added by this Act, applies only to a turnpike project that is completed on or after the effective date of this Act. A turnpike project that is completed before the effective date of this Act is governed by the law in effect on the date of completion, and that law is continued in effect for that purpose.

No equivalent provision.

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SECTION 1. (a) The Texas A&M Transportation Institute shall conduct a study assessing the implementation and effectiveness of sound mitigation measures on highways that are part of the state highway system and toll roads or turnpikes under the jurisdiction of a toll project entity as defined by Section 372.001, Transportation Code. The study must include:

- (1) an analysis of the process and methodology used by the Texas Department of Transportation or toll project entity for selecting and implementing sound mitigation measures, including factors that affect the process and how outcomes are determined;
- (2) an analysis of whether any kind of live testing is conducted at any point to determine the actual traffic noise level for neighboring properties;
- (3) an evaluation of the effectiveness of the process and methodology described by Subdivision (1) of this subsection in reducing the traffic noise level for neighboring properties; and
- (4) an evaluation of the effectiveness of implemented sound mitigation measures in reducing the traffic noise level for neighboring properties.

(b) Not later than November 1, 2016, the Texas A&M Transportation Institute shall submit a report on the results of the study and any recommendations to the governor, the lieutenant governor, the speaker of the

house of representatives, and the presiding officer of each standing committee of the legislature with jurisdiction over transportation matters.

(c) This Act expires August 31, 2017.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 2. 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, 2015.