

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 2017  
By: Watson  
Transportation & Homeland Security  
4/13/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Public input during the development of transportation projects is vital to ensuring that projects meet not just the needs identified by the Texas Department of Transportation (TxDOT), but also those of the community. Engaging the public early in the process can reduce the need for major adjustments or delays to the project in the future.

C.S.S.B. 2017 amends current law relating to public participation in the development of transportation projects by the Texas Department of Transportation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 201.605, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, chapter 201, Transportation Code, by adding Section 201.605, as follows:

Sec. 201.605. PUBLIC PARTICIPATION. (a) Requires the Texas Transportation Commission (TTC) by rule to provide for the Texas Department of Transportation (TxDOT) to hold, or provide the opportunity for one or more public hearings for any transportation project owned or operated by TxDOT that requires the acquisition of significant amounts of rights-of-way, substantially changes the layout or functions of connecting roadways or of a facility being improved, has a substantial adverse impact on abutting property, or otherwise has a significant social, economic, environmental, or other effect, or for which TxDOT determines that a public hearing is in the public interest. Requires that the rules provide for the public's submission of oral or written comments, and TxDOT's preparation of written responses to the comments. Requires TxDOT to prepare a transcript of any oral comments submitted.

(b) Requires TTC by rule to provide for TxDOT to hold, or provide the opportunity for, one or more public meetings for an informal exchange of information between TxDOT and the public for a transportation project owned or operated by TxDOT. Requires that the rules provide for the public meetings to be held at the earliest stages of the project as possible.

(c) Requires that notice of a public hearing or a public meeting under this section be by publication in the locality of the transportation project not less than seven or more than 20 days before the date of the hearing or meeting; be distributed to the public not less than seven days before the date of the hearing or meeting using methods suitable for the distribution given the nature of the transportation project and the populations that may be affected by it; be simple, readable, and informative; include certain information related to the project; and if the population that will be affected by the project is significantly non-English speaking, also be published in the dominant language of a majority of that population.

(d) Authorizes any interested person to attend a public hearing or a public meeting held under this section.

(e) Requires TxDOT to publish on its Internet website any materials used at a public hearing or public meeting not later than the third day after the date of the hearing or meeting.

(f) Requires TxDOT, if TxDOT holds more than one public hearing or one public meeting for a transportation project, to vary the scheduling of the hearings or meetings to accommodate persons living in different geographic regions affected by the project and persons with varied work schedules.

(g) Requires TxDOT's presentation of information at a public hearing or meeting to include the design and schematic layout of the project; the problem or need to be addressed by the project; a reference to the part of TxDOT's mission, strategic plan, or legislative direction that is furthered by the project, and the project's relation to the local planning process; an explanation using diagrams, flowcharts, or other devices to illustrate procedural steps of the project, and an estimated timeline leading to the completion of the project; and a discussion of significant impacts of the project.

(h) Requires TxDOT to make available an electronic mail address or Internet website that may be used to submit public comments concerning a project.

(i) Requires TTC by rule to provide owners of adjoining property and affected local governments and public officials with notice and an opportunity for comment on a state highway project that involves the addition of one or more vehicular lanes to an existing highway; or the construction of a highway at a new location.

(j) Requires TTC by rule to provide procedures for informing adjoining property owners and affected local governments and public officials of impending construction.

SECTION 2. Repealer: Subchapter B (Public Hearings and Comment), Chapter 203 (Modernization of State Highways: Controlled Access Highways), Transportation Code.

SECTION 3. Effective date: January 1, 2010.