

## **BILL ANALYSIS**

Senate Research Center

H.B. 3302  
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Transportation  
5/18/2015  
Engrossed

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

Interested parties contend that the Texas Department of Transportation (TxDOT) is unnecessarily required to spend a portion of highway contract funding to enhance the appearance of public highways by incorporating landscapes to emphasize natural beauty and green space. However, these parties assert that this contractually set percentage can sometimes result in wasted state funding when the required spending amount exceeds reasonable landscaping costs. H.B. 3302 seeks to remedy this situation by providing for sensible guidelines for funding and maintaining beautification projects.

H.B. 3302 amends the Transportation Code to require TxDOT to establish guidelines for a beautification project on a state highway right-of-way that require the use of only native or regionally appropriate plants. The bill requires the guidelines to prioritize the use of plants that are low maintenance and drought resistant if used for a beautification project located in an area of Texas that experiences frequent droughts. The bill requires TxDOT, for each highway project contract that involves the expenditure of \$5 million or more, to allocate money for landscaping improvements to the district in which the highway project is located, and to divide the money according to the amount under the contract to be spent in each district for a highway project located in more than one district. The bill authorizes TxDOT, before allocating money to a district, to take into consideration financial assistance from a political subdivision or a private organization for landscaping improvements.

H.B. 3302 caps the total amount of money allocated for landscaping improvements for a highway project contract at one percent of the lesser of the estimated total amount to be spent, or the actual total amount spent, under the contract for construction, maintenance, or improvement of the highway if that total amount is less than \$50 million or one-half of one percent of the lesser of that estimated total amount or that actual total amount if that total amount is \$50 million or more. The bill restricts the use of money received by a district from TxDOT to landscaping improvements related to the highway project that is the subject of the contract for which the allocation is made or another highway or highway segment located in the district. The bill's provisions regarding expenditures for highway landscaping do not apply to a contract awarded for an emergency highway improvement project, for silt and erosion control or repair, and for planting grass required by federal regulation.

H.B. 3302 amends current law relating to highway landscaping projects.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 392, Transportation Code, by adding Sections 392.004 and 392.005, as follows:

Sec. 392.004. REGIONALLY APPROPRIATE LANDSCAPING. (a) Requires the Texas Department of Transportation (TxDOT) to establish guidelines for a beautification

project on a state highway right-of-way that require the use of only regionally appropriate plants. Requires that the guidelines prioritize the use of plants that are:

(1) low maintenance; and

(2) drought resistant if used for a beautification project located in an area of this state that experiences frequent droughts.

(b) Authorizes a district to use plants that are not regionally appropriate for a beautification project if a municipality or county:

(1) participates in the design and decision to use a plant that is not regionally appropriate; and

(2) agrees to a long-term maintenance agreement of the beautification project.

Sec. 392.005. EXPENDITURES FOR HIGHWAY LANDSCAPING. (a) Defines "landscaping improvement" in this section.

(b) Requires TxDOT, for each highway project contract that involves the expenditure of \$5 million or more, to allocate money for landscaping improvements to the district in which the highway project is located. Requires TxDOT, if the highway project is located in more than one district, to divide the money according to the amount under the contract to be spent in each district. Authorizes TxDOT, before allocating money to a district, to take into consideration financial assistance from a political subdivision or a private organization for landscaping improvements.

(c) Prohibits the total amount of money allocated for landscaping improvements for a highway project contract under Subsection (b) from exceeding:

(1) one percent of the lesser of:

(A) the estimated total amount to be spent under contract for construction, maintenance, or improvement of the highway if that total amount is less than \$50 million; or

(B) the actual total amount spent under contract for construction, maintenance, or improvement of the highway if that total amount is less than \$50 million; or

(2) one-half of one percent of the lesser of:

(A) the estimated total amount to be spent under contract for construction, maintenance, or improvement of the highway if that total amount is \$50 million or more; or

(B) the actual total amount spent under contract for construction, maintenance, or improvement of the highway if that total amount is \$50 million or more.

(d) Authorizes a district that receives money from TxDOT under Subsection (b) to spend the amount only for landscaping improvements related to:

(1) the highway project that is the subject of the contract under Subsection (b); or

(2) another highway or highway segment located in the district.

(e) Provides that this section does not apply to a contract awarded for:

(1) an emergency highway improvement project under Subchapter C (Expedited Highway Improvement Contracts), Chapter 223 (Bids and Contracts for Highway Projects);

(2) silt and erosion control or repair; and

(3) planting grass required by federal regulation.

SECTION 2. Effective date: September 1, 2015.