

By: Capriglione

H.B. No. 4348

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on certain roadway projects and to the distribution of affordable housing funds to local governmental entities that violate that prohibition.

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

1 hearing; and

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

4 (i) in the municipality;

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

7 (iii) on the state highway system;

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

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

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

19 SECTION 3. Chapter 472, Transportation Code, is amended by
20 adding Subchapter E to read as follows:

21 SUBCHAPTER E. CERTAIN ROADWAY PROJECTS PROHIBITED

22 Sec. 472.051. DEFINITION. In this subchapter, "roadway"
23 means a road that has at least two clearly marked lanes for
24 vehicular travel.

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

27 (1) reallocates existing vehicular roadway space,

1 including a turn lane, to another use, including a bike lane,
2 restricted lane as defined by Section 224.151, bus or transit lane,
3 sidewalk, pedestrian refuge island, transit stop, or parking space;
4 or

5 (2) narrows existing marked lanes on a roadway to
6 reallocate roadway space for a use other than the creation of an
7 additional vehicular, general purpose traffic lane.

8 Sec. 472.053. CERTAIN ROADWAY PROJECTS PROHIBITED. A local
9 governmental entity may not implement a roadway project described
10 by Section 472.052 on a roadway maintained by the entity.

11 Sec. 472.054. NOTICE REQUIRED FOR ROADWAY PROJECTS. A
12 local governmental entity implementing a roadway project shall
13 include the department's telephone number and Internet website
14 address in all public materials and communications about the
15 project to allow a member of the public to submit a complaint
16 regarding the project to the department.

17 Sec. 472.055. INVESTIGATION BY DEPARTMENT. (a) If the
18 department receives a complaint or otherwise is informed that a
19 local governmental entity has implemented or plans to implement a
20 roadway project described by Section 472.052, the department shall
21 investigate whether the roadway project violates Section 472.053.

22 (b) The department shall report the results of an
23 investigation under Subsection (a) to:

24 (1) the local governmental entity implementing the
25 roadway project that is the subject of the investigation; and

26 (2) the commission.

27 Sec. 472.056. ACTION BY COMMISSION. If the commission

1 finds, based on the results of an investigation under Section
2 472.055, that a roadway project of a local governmental entity
3 violates Section 472.053, the commission shall deliver notice of
4 the violation to:

5 (1) the local governmental entity implementing the
6 roadway project that is the subject of the violation; and

7 (2) the Texas Department of Housing and Community
8 Affairs.

9 Sec. 472.057. APPEAL OF COMMISSION DETERMINATION. (a) Not
10 later than the 30th day after the date a local governmental entity
11 receives notice under Section 472.056 that a roadway project of the
12 entity violates Section 472.053, the entity may contest the
13 determination by filing an appeal with the department.

14 (b) Not later than the 30th day after the date an appeal is
15 filed with the department under Subsection (a), the department
16 shall review the findings of the department's investigation under
17 Section 472.055 and report the results of the review to the
18 commission.

19 (c) Not later than the 30th day after the date the
20 commission receives the results of the department's review under
21 Subsection (b), the commission shall determine whether the roadway
22 project violates Section 472.053.

23 (d) The commission shall deliver notice of the commission's
24 determination to:

25 (1) the local governmental entity that filed the
26 appeal; and

27 (2) the Texas Department of Housing and Community

1 Affairs.

2 (e) If the commission determines that the roadway project
3 violates Section 472.053, the notice must include recommendations
4 for implementing the roadway project in a manner that will not
5 violate Section 472.053.

6 SECTION 4. Section 2306.111, Government Code, is amended by
7 adding Subsection (k) to read as follows:

8 (k) The department may not provide financial assistance to a
9 local governmental entity if the Texas Transportation Commission
10 notifies the department under Section 472.056(2), Transportation
11 Code, that a roadway project of the entity violates Section
12 472.053, Transportation Code. A prohibition on financial
13 assistance to a local governmental entity under this subsection is
14 effective until the earlier of:

15 (1) the end of the local governmental entity's fiscal
16 year following the fiscal year during which the department receives
17 notice under Section 472.056(2), Transportation Code; or

18 (2) the date the department receives notification from
19 the commission under Section 472.057(d), Transportation Code, that
20 the entity has successfully appealed the commission's initial
21 determination of a violation of Section 472.053, Transportation
22 Code.

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

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2025.