

BILL ANALYSIS

Senate Research Center

S.B. 1444
By: Barrientos
State Affairs
4/25/1999
Committee Report (Amended)

DIGEST

Currently, studies are required to determine noise levels in neighborhoods adjacent to proposed transportation construction projects. If harmful noise levels will result from the project, noise barriers called Type I noise barriers must be erected. Type II retrofit noise barriers are allowed, but not required, to be erected, and because Texas does not have a policy on Type II noise barriers, no federal funds can be used to erect them. S.B. 1444 establishes a statewide policy on the construction of Type II noise barriers.

PURPOSE

As proposed, S.B. 1444 creates provisions for abating identifiable highway noise with Type II projects.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Transportation in SECTION 7 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. FINDINGS. Sets forth legislative findings regarding traffic noise.

SECTION 2. DEFINITIONS. Defines “department,” “metropolitan planning organization,” and “Type II project.”

SECTION 3. PURPOSE. Provides that the purpose of this Act is to establish a statewide policy for noise abatement measures and for the planning and design of highways approved under Title 23, United States Code.

SECTION 4. COOPERATION OF METROPOLITAN PLANNING ORGANIZATIONS AND DEPARTMENT. Requires a metropolitan planning organization (MPO) decision regarding a Type II project to be made in cooperation with the Texas Department of Transportation (TxDOT).

SECTION 5. APPLICABILITY AND OBJECTIVE. Sets forth required situations to authorize MPO consideration as a Type II project. Provides that MPO should make every reasonable effort to reduce highway noise, if a Type II project is considered.

SECTION 6. FUNDING FOR TYPE II PROJECTS. Restricts the funding of a Type II project to federal funds available under 23 C.F.R. Part 772. Requires matching funds for all Type II projects to be provided by a local governmental member of an MPO. Prohibits the use of state funds for Type II projects, except the use of personnel for certain purposes regarding coordination, oversight, and maintenance. Authorizes the use of state right of way.

SECTION 7. Requires TxDOT to adopt rules by January 1, 2000.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 6.

Amends SECTION 6, by deleting existing Subsection (b), and replacing it with text regarding funding by a local governmental member, prohibiting the use of state funds, and authorizing the use of state right of way.