

By: Noriega

H.B. No. 1012

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a report by the board of trustees of a school district
3 concerning certain transportation projects near schools in the
4 district.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 38, Education Code, is
7 amended by adding Section 38.016 to read as follows:

8 Sec. 38.016. REPORT ON CERTAIN TRANSPORTATION PROJECTS.

9 (a) In this section:

10 (1) "Hazardous substance" has the meaning assigned by
11 the federal Occupational Safety and Health Administration standard
12 in 29 C.F.R. Section 1910.1200(d)(3), and its subsequent
13 amendments, or by the Occupational Safety and Health
14 Administration's written interpretations.

15 (2) "Health hazard" has the meaning assigned by the
16 federal Occupational Safety and Health Administration standard in
17 29 C.F.R. Section 1910.1200(c), and its subsequent amendments, or
18 by the Occupational Safety and Health Administration's written
19 interpretations.

20 (3) "Physical hazard" has the meaning assigned by
21 Section 502.003, Health and Safety Code.

22 (4) "Railroad" has the meaning assigned by Section
23 541.202, Transportation Code.

24 (b) The board of trustees of a school district shall prepare

1 a report concerning any proposed major railroad project or other
2 transportation project to be located within one-half mile of a
3 school in the district if the project, as completed and
4 functioning, could reasonably be expected to expose students to a
5 health hazard, physical hazard, or hazardous substance while at
6 that school.

7 (c) The report must address:

8 (1) any health hazard, physical hazard, or hazardous
9 substance to which students at school might be exposed as a result
10 of the project, as completed and functioning; and

11 (2) the determination of the board as to whether the
12 project, as completed and functioning, is likely to expose students
13 to a health hazard, physical hazard, or hazardous substance while
14 at school.

15 (d) The board of trustees of the school district must make
16 the report available to the public at the school and at the school
17 district's central administrative office during regular school
18 hours. The commissioner may require the board of trustees to make
19 the report available to the public at other places and times.

20 (e) The commissioner shall adopt rules as necessary for the
21 board of trustees of a school district to carry out this section.

22 SECTION 2. This Act takes effect September 1, 2003.