

By: Villarreal

H.B. No. 1021

A BILL TO BE ENTITLED

AN ACT

1
2 relating to illegal dumping on railroad rights-of-way; creating a
3 penalty.

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

5 SECTION 1. Section 365.012, Health and Safety Code, is
6 amended by amending Subsection (a) and adding Subsections (h-1) and
7 (p) to read as follows:

8 (a) A person commits an offense if the person disposes or
9 allows or permits the disposal of litter or other solid waste at a
10 place that is not an approved solid waste site, including a place on
11 or within 300 feet of a public highway, on a right-of-way, including
12 a railroad right-of-way, on other public or private property, or
13 into inland or coastal water of the state.

14 (h-1) If it is shown on the trial of the defendant for an
15 offense under this section that the defendant committed the offense
16 on a railroad right-of-way, the punishment for the offense is
17 increased by an additional fine in an amount not greater than two
18 times the amount of a fine assessed under this section. This
19 subsection does not apply to a penalty assessed against a
20 corporation or association under Section 12.51, Penal Code.

21 (p) Money collected under Subsection (h-1) in a justice,
22 county, district, or municipal court for an offense that occurred
23 within the corporate boundaries of a municipality shall be
24 deposited in a special account in the treasury of the municipality.

1 Money collected under this subsection shall be used to fund the
2 duties imposed by Section 365.018.

3 SECTION 2. Subchapter B, Chapter 365, Health and Safety
4 Code, is amended by adding Section 365.018 to read as follows:

5 Sec. 365.018. DUTY OF LOCAL GOVERNMENT TO REMOVE LITTER
6 FROM RAILROAD RIGHT-OF-WAY. A municipality or the commissioners
7 court of a county, if the right-of-way is located outside the
8 corporate limits of a municipality, shall:

9 (1) provide for the removal and disposition of litter
10 accumulated on or near a railroad right-of-way in cooperation with
11 the railroad that is the record owner of the right-of-way; and

12 (2) assign additional police, officials, or
13 technological resources to:

14 (A) monitor railroad rights-of-way;

15 (B) enforce illegal dumping laws; and

16 (C) contact railroad operators if litter,
17 stormwater, or vegetation impedes safe railroad operation and poses
18 a danger to the public health and safety in the area.

19 SECTION 3. (a) The change in law made by this Act applies
20 only to an offense committed on or after the effective date of this
21 Act. For purposes of this section, an offense is committed before
22 the effective date of this Act if any element of the offense occurs
23 before the effective date.

24 (b) An offense committed before the effective date of this
25 Act is covered by the law in effect when the offense was committed,
26 and the former law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2003.