

## **BILL ANALYSIS**

C.S.H.B. 3863  
By: Keffer  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Natural gas drilling and the development of the Barnett Shale reservoir have economically benefited the North Texas economy. Unfortunately, these activities have also caused major transportation problems without bringing an increase in tax revenue to the counties where the operators of these activities traverse. Damage to county roads caused by overweight trucks is a public danger, and counties do not have the adequate resources for repair.

C.S.H.B. 3863 requires an operator to submit as part of the state permitting application a county-approved transportation access plan to the Texas Commission on Environmental Quality or the Railroad Commission of Texas, as applicable, unless waived by the county.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3863 amends the Transportation Code to require a person required to obtain a permit from the Texas Commission on Environmental Quality (TCEQ) or the Railroad Commission of Texas to operate a facility located in an unincorporated area of a county to prepare a transportation access plan for the facility. The bill requires the plan to be submitted to the commissioners court of the county and provide for the recovery by the county of any additional costs to the county for road construction, maintenance, or repair related to access to the facility, as determined by an analysis completed by an independent engineer who holds a license issued under the Texas Engineering Practice Act.

C.S.H.B. 3863 requires a transportation access plan, except as otherwise provided, to be approved by the commissioners court of the county and to be filed as part of each application for an original or renewal permit for the facility. The bill authorizes the commissioners court of a county by order and for good cause shown to waive the requirements set forth by the bill's provisions for a facility in that county. The bill specifies that its provisions do not apply to the approval, issuance, or renewal of a license, permit, or registration for a municipal solid waste facility regulated under the Solid Waste Disposal Act.

C.S.H.B. 3863 amends the Water Code to specify that, notwithstanding environmental permitting procedures, the bill's provisions apply to any permit issued by TCEQ, regardless of the law under which the permit or permit renewal is issued. The bill specifies that if an applicant for a permit or permit renewal to be issued by TCEQ is required to submit a transportation access plan, the application is not considered administratively complete unless the plan has been approved and filed with TCEQ as required.

C.S.H.B. 3863 amends the Natural Resources Code to specify that the application is not considered administratively complete unless the plan has been approved and filed with the

railroad commission as required if an applicant for a permit or permit renewal to be issued by the railroad commission is required to submit a transportation access plan.

C.S.H.B. 3863 includes in the definition of "permit" a license, registration, or other form of authorization required by law for a person to engage in an action.

**EFFECTIVE DATE**

September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3863 removes provisions amending the Local Government Code from the original relating to a county-approved transportation access plan. The substitute adds provisions amending the Transportation Code, Water Code, and Natural Resources Code not in the original defining "permit," providing requirements for a transportation access plan for certain permitted facilities, and specifying conditions under which an application for a permit or permit renewal is considered complete.