

## **BILL ANALYSIS**

S.B. 502  
By: Carona  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Federal law requires an environmental review for the construction of transportation projects undertaken by federal, state, and local transportation entities. During the environmental review process, federal, state or local transportation entities work in consultation with resource agencies such as the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the Texas Parks and Wildlife Department, and the Texas Historical Commission. However, many of the resource agencies lack sufficient staff to perform these activities in a timely manner. To overcome this obstacle, many state departments of transportation are using interagency funding agreements to hire additional staff for the resource agencies. The Texas Department of Transportation (TxDOT) does not have express statutory authority to enter into interagency funding agreements to hire additional staff for state or federal resource agencies.

C.S.S.B. 502 amends Subchapter A, Chapter 222, Transportation Code, to authorize TxDOT, a county, a regional tollway authority, or a regional mobility authority to enter into funding agreements with federal and state agencies for the purpose of expediting their performance of environmental review duties related to transportation projects.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 222, Transportation Code, by adding Section 222.004, as follows:

Sec. 222.004. AUTHORIZATION TO PROVIDE ASSISTANCE TO EXPEDITE ENVIRONMENTAL REVIEW. (a) Authorizes the Texas Department of Transportation (TxDOT), a county, a regional tollway authority operating under Chapter 366 (Regional Tollway Authorities), or a regional mobility authority operating under Chapter 370 (Regional Mobility Authorities) to enter into an agreement to provide funds to a state or federal agency to expedite the agency's performance of its duties related to the environmental review process for transportation projects of TxDOT, listed in a metropolitan planning organization's long-range transportation plan under 23 U.S.C. Section 134, or of a county, a regional tollway authority operating under Chapter 366, or a regional mobility authority operating under Chapter 370.

(b) Authorizes an agreement entered into under this section, except as provided by Subsection (c), to specify transportation projects the applicable entity considers to be priorities for review. Requires that an agreement entered into under this section, except as provided by Subsection (c), require the agency receiving money to complete the environmental review in less time than is customary for the completion of environmental review by that agency.

(c) Authorizes TxDOT to enter into a separate agreement for a transportation project that TxDOT determines has regional importance.

(d) Provides that an agreement entered into under this section does not diminish or modify the rights of the public regarding review and comment on transportation projects. (e) Requires an entity entering into an agreement under this section to make the agreement available on the entity's Internet website.

SECTION 2. Effective date: upon passage or September 1, 2009.

**EFFECTIVE DATE**

Upon passage or September 1, 2009