

## **BILL ANALYSIS**

S.B. 897  
By: Shapleigh  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The September 11, 2001 terrorist attacks, led to the concern that our nation's points of entry were vulnerable to assault. Much discussion was devoted to weapons manufactured for the explicit purpose of killing people, but little was said about the toxic and hazardous materials that regularly cross the United States-Mexico border. A 2007 report from the Good Neighbor Environmental Board (GNEB), a 25-member body that advises the White House and Congress on United States-Mexico border issues, estimated that about 43.3 million pounds of hazardous waste enter the United States from Mexico every year, mostly from the assembly-for-export plants known as maquiladoras. While the GNEB characterized the cross-border hazardous waste flow as relatively minimal, the advisory panel added that significant quantities of hazardous materials including petroleum, petroleum products, natural gas, sulfuric acid, and other substances with the potential to kill or sicken people regularly move through a highly populated and growing region.

In El Paso, Texas, and Ciudad Juarez, Mexico, environmental activists and officials have long worried about large-scale shipments of hydrofluoric acid, a corrosive material, that is shipped by train through the downtown areas of the sister cities. Produced at the Belgium-owned Solvay plant on the outskirts of Ciudad Juarez, tons of hydrofluoric acid are exported to the United States.

Obtaining precise data on the amount of hazardous materials entering the U.S. via the southern border is difficult, however, given that the United States Customs and Border Protection (CPB) do not collect these data.

As proposed, S.B. 897 requires railroad companies that transport hazardous materials in or through the state to file with the Texas Department of Transportation an annual report detailing the type of hazardous materials by hazard class, and the quantity of the material transported over each railroad line owned, leased, or operated by the railroad company during the preceding year.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

SECTION 1. Amends Section 1(1), Chapter 350 (S.B. 1101), Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c, V.T.C.S.), to define "department," rather than "commission."

SECTION 2. Amends Sections 2(a) and (b), Chapter 350 (S.B. 1101), Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c, V.T.C.S.), as follows:

- (a) Requires a railroad company that transport hazardous materials in or through the state to file with the Texas Department of Transportation (TxDOT), rather than the Railroad Commission of Texas (railroad commission), a copy of each hazardous materials incident report that the company files with the federal Department of Transportation in accordance with 49 C.F.R. 171.16, not later than the 15th day after the date that the incident that forms the basis of the report is discovered.

(b) Makes a conforming change.

SECTION 3. Amends Section 3, Chapter 350 (S.B. 1101), Acts of the 71st Legislature, Regular Session, 1989 (Article 6419c, V.T.C.S.), as follows:

Sec. 3. (a) Requires TxDOT to compile information submitted to TxDOT under this Act for distribution to local emergency management agencies located in jurisdictions containing reported railroad operations and the metropolitan planning organizations for those jurisdictions. Makes conforming and nonsubstantive changes.

(b) Makes a conforming change.

SECTION 4. Effective date: September 1, 2009.

**EFFECTIVE DATE**

September 1, 2009