

By: Keffer

H.B. No. 3863

Substitute the following for H.B. No. 3863:

By: Sheffield

C.S.H.B. No. 3863

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to transportation access plans for certain facilities  
3 permitted by the Texas Commission on Environmental Quality or the  
4 Railroad Commission of Texas.

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

6 SECTION 1. Subchapter A, Chapter 251, Transportation Code,  
7 is amended by adding Section 251.018 to read as follows:

8 Sec. 251.018. TRANSPORTATION ACCESS PLAN FOR CERTAIN  
9 PERMITTED FACILITIES. (a) In this section, "permit" includes a  
10 license, registration, or other form of authorization required by  
11 law for a person to engage in an action.

12 (b) A person required to obtain a permit from the Texas  
13 Commission on Environmental Quality or the Railroad Commission of  
14 Texas to operate a facility located in an unincorporated area of a  
15 county shall prepare a transportation access plan for the facility.  
16 The plan must be submitted to the commissioners court of the county  
17 and provide for the recovery by the county of any additional costs  
18 to the county for road construction, maintenance, or repair related  
19 to access to the facility, as determined by an analysis completed by  
20 an independent engineer who holds a license issued under Chapter  
21 1001, Occupations Code.

22 (c) Except as provided by Subsection (d), a transportation  
23 access plan under this section must:

24 (1) be approved by the commissioners court of the

1 county; and

2 (2) be filed as part of each application for an  
3 original or renewal permit for the facility.

4 (d) The commissioners court of a county by order and for  
5 good cause shown may waive the requirements of this section for a  
6 facility in that county.

7 (e) This section shall not apply to the approval, issuance,  
8 or renewal of a license, permit, or registration for a municipal  
9 solid waste facility regulated under Chapter 361, Health and Safety  
10 Code.

11 SECTION 2. Subchapter M, Chapter 5, Water Code, is amended  
12 by adding Section 5.559 to read as follows:

13 Sec. 5.559. TRANSPORTATION ACCESS PLAN REQUIRED FOR  
14 APPLICATION TO BE ADMINISTRATIVELY COMPLETE. (a) Notwithstanding  
15 Section 5.551(a), this section applies to any permit issued by the  
16 commission, regardless of the law under which the permit or permit  
17 renewal is issued.

18 (b) If an applicant for a permit or permit renewal to be  
19 issued by the commission is required to submit a transportation  
20 access plan under Section 251.018, Transportation Code, the  
21 application is not considered administratively complete unless the  
22 plan has been approved and filed with the commission as required by  
23 that section.

24 SECTION 3. Subchapter C, Chapter 81, Natural Resources  
25 Code, is amended by adding Section 81.065 to read as follows:

26 Sec. 81.065. TRANSPORTATION ACCESS PLAN REQUIRED FOR  
27 APPLICATION TO BE ADMINISTRATIVELY COMPLETE. (a) In this section,

1 "permit" includes a license, registration, or other form of  
2 authorization required by law for a person to engage in an action.

3 (b) If an applicant for a permit or permit renewal to be  
4 issued by the commission is required to submit a transportation  
5 access plan under Section 251.018, Transportation Code, the  
6 application is not considered administratively complete unless the  
7 plan has been approved and filed with the commission as required by  
8 that section.

9 SECTION 4. This Act takes effect September 1, 2009.