

By: Farrar

H.B. No. 4080

A BILL TO BE ENTITLED

AN ACT

relating to environmental review of toll projects by certain local toll project entities.

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

SECTION 1. Subchapter C, Chapter 284, Transportation Code, is amended by adding Section 284.075 to read as follows:

Sec. 284.075. ENVIRONMENTAL REVIEW. The commissioners court of a county or the board of directors of a local government corporation, as applicable, by rule or order shall provide for the county's or the corporation's environmental review of a project that is not subject to review under the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.). The rules or orders must be substantially similar to the department's rules under Section 201.604, as those rules apply to a toll project of the department.

SECTION 2. Subchapter E, Chapter 366, Transportation Code, is amended by adding Section 366.186 to read as follows:

Sec. 366.186. ENVIRONMENTAL REVIEW. The board by rule shall provide for an environmental review of a turnpike project that is not subject to review under the National Environmental Policy Act (42 U.S.C. Section 4321 et seq.). The rules must be substantially similar to the department's rules under Section 201.604, as those rules apply to a toll project of the department.

SECTION 3. Section 370.188(a), Transportation Code, is

1 amended to read as follows:

2 (a) An authority shall adopt rules for environmental review
3 of a transportation project that is not subject to review under the
4 National Environmental Policy Act (42 U.S.C. Section 4321 et seq.),
5 as amended. The rules must be substantially similar to the
6 department's rules under Section 201.604, as those rules apply to a
7 toll project of the department~~;~~

8 ~~[(1) specify the types of projects for which a public~~
9 ~~hearing is required;~~

10 ~~[(2) establish procedures for public comment on the~~
11 ~~environmental review, including a procedure for requesting a public~~
12 ~~hearing on an environmental review for which a public hearing is not~~
13 ~~required; and~~

14 ~~[(3) require:~~

15 ~~[(A) an evaluation of any direct or indirect~~
16 ~~environmental effect of the project;~~

17 ~~[(B) an analysis of project alternatives; and~~

18 ~~[(C) a written report that briefly explains the~~
19 ~~authority's review of the project and that specifies any mitigation~~
20 ~~measures on environmental harm on which the project is~~
21 ~~conditioned].~~

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