

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Transportation Commission to enter into a covenant for environmental remediation of real property owned by the Texas Department of Transportation.

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

SECTION 1. Subchapter C, Chapter 202, Transportation Code, is amended by adding Section 202.061 to read as follows:

Sec. 202.061. ENVIRONMENTAL COVENANT. (a) The commission may enter into an environmental covenant for the purpose of subjecting real property in which the department has an ownership interest to a plan or the performance of work for environmental remediation if the plan or work performed is first approved by the Texas Commission on Environmental Quality or a federal agency with the authority to approve the plan or work under the applicable laws and regulations.

(b) The environmental covenant must:

(1) contain a legally sufficient description of the property subject to the covenant;

(2) describe the nature of the contamination on or under the property, including the contaminants, the source, if known, and the location and extent of the contamination; and

(3) describe the activity and use limitations on the property.

(c) The plan or performance of work for environmental

1 remediation must:

2 (1) meet applicable state and federal standards for
3 environmental remediation; and

4 (2) bring the property into compliance with zoning or
5 land use controls imposed on the property by each applicable local
6 government.

7 (d) For each property for which the commission may enter
8 into an environmental covenant, the commission by order may
9 authorize the executive director to execute an environmental
10 covenant on behalf of the commission. Not less than 30 days before
11 the date the commission considers a proposed order under this
12 subsection, the commission must mail to each owner of a property
13 interest in the applicable property, each adjacent landowner, and
14 each applicable local government a notice that includes a clear and
15 concise description of the proposal to enter into the environmental
16 covenant and a statement of the manner in which written comments may
17 be submitted to the commission.

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2009.