

1-1 By: Carona S.B. No. 480  
1-2 (In the Senate - Filed January 14, 2009; February 17, 2009,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 23, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 480 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority of the Texas Transportation Commission to  
1-11 enter into a covenant for environmental remediation of real  
1-12 property owned by the Texas Department of Transportation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 202, Transportation Code,  
1-15 is amended by adding Section 202.061 to read as follows:

1-16 Sec. 202.061. ENVIRONMENTAL COVENANT. (a) The commission  
1-17 may enter into an environmental covenant for the purpose of  
1-18 subjecting real property in which the department has an ownership  
1-19 interest to a plan or the performance of work for environmental  
1-20 remediation if the plan or work performed is first approved by the  
1-21 Texas Commission on Environmental Quality or a federal agency with  
1-22 the authority to approve the plan or work under the applicable laws  
1-23 and regulations.

1-24 (b) The environmental covenant must:

1-25 (1) contain a legally sufficient description of the  
1-26 property subject to the covenant;

1-27 (2) describe the nature of the contamination on or  
1-28 under the property, including the contaminants, the source, if  
1-29 known, and the location and extent of the contamination; and

1-30 (3) describe the activity and use limitations on the  
1-31 property.

1-32 (c) The plan or performance of work for environmental  
1-33 remediation must:

1-34 (1) meet applicable state and federal standards for  
1-35 environmental remediation; and

1-36 (2) bring the property into compliance with zoning or  
1-37 land use controls imposed on the property by each applicable local  
1-38 government.

1-39 (d) For each property for which the commission may enter  
1-40 into an environmental covenant, the commission by order may  
1-41 authorize the executive director to execute an environmental  
1-42 covenant on behalf of the commission. Not less than 30 days before  
1-43 the date the commission considers a proposed order under this  
1-44 subsection, the commission must mail to each owner of a property  
1-45 interest in the applicable property, each adjacent landowner, and  
1-46 each applicable local government a notice that includes a clear and  
1-47 concise description of the proposal to enter into the environmental  
1-48 covenant and a statement of the manner in which written comments may  
1-49 be submitted to the commission.

1-50 SECTION 2. This Act takes effect immediately if it receives  
1-51 a vote of two-thirds of all the members elected to each house, as  
1-52 provided by Section 39, Article III, Texas Constitution. If this  
1-53 Act does not receive the vote necessary for immediate effect, this  
1-54 Act takes effect September 1, 2009.

1-55 \* \* \* \* \*