

By: Darby

H.B. No. 3623

A BILL TO BE ENTITLED

AN ACT

relating to the environmental review of certain transportation projects by the Texas Department of Transportation.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6042 to read as follows:

Sec. 201.6042. ENVIRONMENTAL REVIEW CERTIFICATION PROCESS.

The commission by rule shall establish a process to certify environmental specialists, public involvement specialists, engineers, and attorneys to work on all documents related to state and federal environmental review processes. The certification process must:

(1) be available to:

(A) department employees; and

(B) private contractors and local government employees who routinely work with the department relating to state or federal environmental review processes; and

(2) require continuing education for recertification.

SECTION 2. Chapter 201, Transportation Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. ENVIRONMENTAL REVIEW PROCESS

Sec. 201.1001. DEFINITIONS. In this subchapter:

(1) "Sponsor" means a political subdivision of the state, including a municipality or a county, a political

1 subdivision of a county, a group of adjoining counties, a district
2 organized or operating under Section 52, Article III, or Section
3 59, Article XVI, Texas Constitution, a regional tollway authority
4 created under Chapter 366, a regional mobility authority operating
5 under Chapter 370, or a transportation corporation created under
6 Chapter 431 or other nonprofit corporation, that elects to
7 participate in the planning, development, or construction of a
8 transportation project.

9 (2) "Transportation project" means a highway or
10 related improvement on the state highway system or a federal aid
11 off-system project.

12 Sec. 201.1002. STANDARDS. (a) The commission by rule shall
13 set standards for processing an environmental review document for a
14 transportation project.

15 (b) Each person who prepares or submits a document for
16 review by the department under this subchapter, whether an
17 engineer, consultant, or attorney must hold a valid certificate
18 issued by the department under Section 201.6042.

19 (c) Before the department may process an environmental
20 review document a detailed scope of the project must be prepared.

21 (d) The standards adopted under this section must contain:

22 (1) the required process and content of a draft
23 environmental document, with specific standards for each type of
24 environmental documents that may be prepared;

25 (2) review timeframes by which the department will
26 render an environmental decision on a project and the timeframes by
27 which the department will make a recommendation to the federal

1 highway administration if the transportation project is a federal
2 project.

3 (e) Review timeframes are tolled during any period for
4 which:

5 (1) the environmental document or related reports are
6 being revised;

7 (2) the transportation project is the subject of
8 additional work, including a change in design of the project, and
9 during the identification and resolution of new significant issues;
10 and

11 (3) legal counsel for the department has identified an
12 issue concerning compliance with applicable law.

13 (f) If a sponsor prepares an environmental review document
14 for a project under Section 201.1003, the department shall make a
15 determination whether the documents submitted by the sponsor are
16 administratively complete and ready for technical review not later
17 than the 20th day after the date that the sponsor submits documents
18 to the department for review. The review timeframes do not begin
19 until the department concludes the documents are administratively
20 complete.

21 Sec. 201.1003 PARTICIPATION BY SPONSOR. (a) A political
22 subdivision may submit an environmental review document for a
23 transportation project under this subchapter only if:

24 (1) the transportation project is contained in the
25 approved state transportation improvement program (STIP); or

26 (2) the transportation project:

27 (A) is contained in the unified transportation

1 program (UTP), another statewide transportation plan, the
2 applicable metropolitan transportation plan (MTP), or an
3 applicable rural transportation plan (RTP); and

4 (B) has been identified by the commission as
5 being eligible for participation under this subchapter.

6 (b) The standards adopted by the commission under Section
7 201.1002 apply to work performed by the sponsor.

8 (c) On a sponsor's submitting environmental review
9 documents to the department, legal counsel for the sponsor shall
10 certify that the documents are administratively complete, ready for
11 technical review, and compliant with all applicable laws.

12 (d) This subsection applies only to a transportation
13 project that is not identified as fully funded in one or more of the
14 approved state transportation improvement program (STIP), unified
15 transportation program (UTP), any other statewide transportation
16 plan, the applicable metropolitan transportation plan (MTP), or any
17 applicable rural transportation plan (RTP). The sponsor that
18 desires to develop the environmental review documents for the
19 transportation project must submit to the department:

20 (1) an application that gives notice that the sponsor
21 will prepare the environmental review document; and

22 (2) an application fee equal to one percent of the
23 estimated construction costs of the transportation project.

24 SECTION 3. The Texas Transportation Commission shall adopt
25 the rules to implement Subchapter P, Chapter 201, Transportation
26 Code, as added by this Act, not later than March 1, 2012.

27 SECTION 4. This Act takes effect immediately if it receives

H.B. No. 3623

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.