

By: Nichols, Davis, Watson

S.B. No. 548

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Department of Transportation's environmental review process.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Sections 201.6041 and 201.6042 to read as follows:

Sec. 201.6041. AUTHORIZATION TO PROVIDE ASSISTANCE TO EXPEDITE ENVIRONMENTAL REVIEW. (a) The department may enter into an agreement to provide funds to a state or federal agency to expedite the agency's performance of its duties related to the environmental review process for the department's transportation projects.

(b) Except as provided by Subsection (c), an agreement entered into under this section:

(1) may specify transportation projects the department considers to be priorities for review; and

(2) must require the agency receiving money to complete the environmental review in less time than is customary for the completion of environmental review by that agency.

(c) The department may enter into a separate agreement for a transportation project that the department determines has regional importance.

(d) An agreement entered into under this section does not

1 diminish or modify the rights of the public regarding review and
2 comment on transportation projects.

3 (e) The department shall make each agreement entered into
4 under this section available on the department's Internet website.

5 Sec. 201.6042. ENVIRONMENTAL REVIEW CERTIFICATION PROCESS.

6 The department by rule shall establish a process to certify
7 district environmental specialists to work on all documents related
8 to state and federal environmental review processes. The
9 certification process must:

10 (1) be available to:

11 (A) department employees; and

12 (B) private contractors and local government
13 employees who routinely work with the department; and

14 (2) require continuing education for recertification.

15 SECTION 2. Section 201.607, Transportation Code, is amended
16 by amending Subsection (a) and adding Subsection (c) to read as
17 follows:

18 (a) Not later than January 1, 1997, and every fifth year
19 after that date, the department and each state agency that is
20 responsible for the protection of the natural environment or for
21 the preservation of historical or archeological resources shall
22 examine and revise their memorandum of understanding that:

23 (1) describes the responsibilities of each agency
24 entering into the memorandum relating to the review of the
25 potential environmental, historical, or archeological effect of a
26 highway project;

27 (2) specifies the responsibilities of each agency

1 entering into the memorandum relating to the review of a highway
2 project;

3 (3) specifies the types of information the department
4 must provide to the reviewing agency and the period during which the
5 department must provide the information;

6 (4) specifies the period during which the reviewing
7 agency must review the highway project and provide comments to the
8 department, as negotiated by the department and the agency but
9 which may not exceed 45 days after the date the agency receives a
10 request for comments from the department; [and]

11 (5) specifies that comments submitted to the
12 department later than the period specified under Subdivision (4)
13 will be considered by the department to the extent possible; and

14 (6) includes any other agreement necessary for the
15 effective coordination of the review of the environmental,
16 historical, or archeological effect of a highway project.

17 (c) The department by rule shall establish procedures
18 concerning coordination with agencies in carrying out
19 responsibilities under agreements under this section.

20 SECTION 3. Section 12.0011, Parks and Wildlife Code, is
21 amended by adding Subsection (b-1) to read as follows:

22 (b-1) Recommendations and information submitted by the
23 department under Subsection (b) in response to a request for
24 comments from the Texas Department of Transportation must be
25 submitted not later than the 45th day after the date the department
26 receives the request.

27 SECTION 4. The change in law made by this Act to Section

1 201.607(a), Transportation Code, as amended by this Act, and
2 Section 12.0011(b-1), Parks and Wildlife Code, as added by this
3 Act, applies only to a request for comments from the Texas
4 Department of Transportation received by a state agency on or after
5 the effective date of this Act. As necessary, the Texas Department
6 of Transportation and each affected state agency shall promptly
7 revise the memorandum of understanding required by Section 201.607,
8 Transportation Code, to implement the change made by this Act to
9 Section 201.607(a), Transportation Code.

10 SECTION 5. This Act takes effect September 1, 2011.