

1-1 By: Nichols, et al. S.B. No. 548
1-2 (In the Senate - Filed February 8, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 28, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; March 28, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 548 By: Nichols

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

1-10 relating to the environmental review process for transportation
1-11 projects.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 201.607, Transportation Code, is amended
1-14 by amending Subsection (a) and adding Subsection (c) to read as
1-15 follows:

1-16 (a) Not later than January 1, 1997, and every fifth year
1-17 after that date, the department and each state agency that is
1-18 responsible for the protection of the natural environment or for
1-19 the preservation of historical or archeological resources shall
1-20 examine and revise their memorandum of understanding that:

1-21 (1) describes the responsibilities of each agency
1-22 entering into the memorandum relating to the review of the
1-23 potential environmental, historical, or archeological effect of a
1-24 highway project;

1-25 (2) specifies the responsibilities of each agency
1-26 entering into the memorandum relating to the review of a highway
1-27 project;

1-28 (3) specifies the types of information the department
1-29 must provide to the reviewing agency and the period during which the
1-30 department must provide the information;

1-31 (4) specifies the period during which the reviewing
1-32 agency must review the highway project and provide comments to the
1-33 department, as negotiated by the department and the agency but
1-34 which may not exceed 45 days after the date the agency receives a
1-35 request for comments from the department; ~~and~~

1-36 (5) specifies that comments submitted to the
1-37 department later than the period specified under Subdivision (4)
1-38 will be considered by the department to the extent possible; and

1-39 (6) includes any other agreement necessary for the
1-40 effective coordination of the review of the environmental,
1-41 historical, or archeological effect of a highway project.

1-42 (c) The department by rule shall establish procedures
1-43 concerning coordination with agencies in carrying out
1-44 responsibilities under agreements under this section.

1-45 SECTION 2. Subchapter A, Chapter 222, Transportation Code,
1-46 is amended by adding Sections 222.005 and 222.006 to read as
1-47 follows:

1-48 Sec. 222.005. AUTHORIZATION TO PROVIDE ASSISTANCE TO
1-49 EXPEDITE ENVIRONMENTAL REVIEW. (a) The department, a county, a
1-50 regional tollway authority operating under Chapter 366, or a
1-51 regional mobility authority operating under Chapter 370 may enter
1-52 into an agreement to provide funds to a state or federal agency to
1-53 expedite the agency's performance of its duties related to the
1-54 environmental review process for the applicable entity's
1-55 transportation projects, including those listed in the applicable
1-56 metropolitan planning organization's long-range transportation
1-57 plan under 23 U.S.C. Section 134.

1-58 (b) Except as provided by Subsection (c), an agreement
1-59 entered into under this section:

1-60 (1) may specify transportation projects the
1-61 applicable entity considers to be priorities for review; and

1-62 (2) must require the agency receiving money to
1-63 complete the environmental review in less time than is customary

2-1 for the completion of environmental review by that agency.

2-2 (c) The department may enter into a separate agreement for a
2-3 transportation project that the department determines has regional
2-4 importance.

2-5 (d) An agreement entered into under this section does not
2-6 diminish or modify the rights of the public regarding review and
2-7 comment on transportation projects.

2-8 (e) An entity entering into an agreement under this section
2-9 shall make the agreement available on the entity's Internet
2-10 website.

2-11 Sec. 222.006. ENVIRONMENTAL REVIEW CERTIFICATION PROCESS.
2-12 The department by rule shall establish a process to certify
2-13 department district environmental specialists to work on all
2-14 documents related to state and federal environmental review
2-15 processes. The certification process must:

2-16 (1) be available to department employees; and

2-17 (2) require continuing education for recertification.

2-18 SECTION 3. Section 12.0011, Parks and Wildlife Code, is
2-19 amended by adding Subsection (b-1) to read as follows:

2-20 (b-1) Recommendations and information submitted by the
2-21 department under Subsection (b) in response to a request for
2-22 comments from the Texas Department of Transportation must be
2-23 submitted not later than the 45th day after the date the department
2-24 receives the request.

2-25 SECTION 4. Subsection (a), Section 201.607, Transportation
2-26 Code, as amended by this Act, and Subsection (b-1), Section
2-27 12.0011, Parks and Wildlife Code, as added by this Act, apply only
2-28 to a request for comments from the Texas Department of
2-29 Transportation received by a state agency on or after the effective
2-30 date of this Act. As necessary, the Texas Department of
2-31 Transportation and each affected state agency shall promptly revise
2-32 the memorandum of understanding required by Section 201.607,
2-33 Transportation Code, to implement the change made by this Act to
2-34 Subsection (a), Section 201.607, Transportation Code.

2-35 SECTION 5. This Act takes effect September 1, 2011.

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