

SENATE AMENDMENTS

2nd Printing

By: Pickett, Smith of Harris

H.B. No. 630

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Texas Department of
3 Transportation, counties, regional tollway authorities, and
4 regional mobility authorities to enter into funding agreements to
5 expedite the entity's environmental review duties related to
6 certain transportation projects.

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

8 SECTION 1. Subchapter A, Chapter 222, Transportation Code,
9 is amended by adding Section 222.005 to read as follows:

10 Sec. 222.005. AUTHORIZATION TO PROVIDE ASSISTANCE TO
11 EXPEDITE ENVIRONMENTAL REVIEW. (a) The department, a county, a
12 regional tollway authority operating under Chapter 366, or a
13 regional mobility authority operating under Chapter 370 may enter
14 into an agreement to provide funds to a state or federal agency to
15 expedite the agency's performance of its duties related to the
16 environmental review process for its transportation projects,
17 including those listed in the applicable metropolitan planning
18 organization's long-range transportation plan under 23 U.S.C.
19 Section 134.

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

22 (1) may specify transportation projects the
23 applicable entity considers to be priorities for review; and

24 (2) must require the agency receiving money to

1 complete the environmental review in less time than is customary
2 for the completion of environmental review by that agency.

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

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

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

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Adair Spaw
Secretary of the Senate

By: Nichols

H.B. No. 630

Substitute the following for H.B. No. 630 :

By: [Signature]

C.S.H.B. No. 630

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the environmental review process for transportation
3 projects.

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

5 SECTION 1. Section 201.607, Transportation Code, is amended
6 by amending Subsection (a) and adding Subsection (c) to read as
7 follows:

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

13 (1) describes the responsibilities of each agency
14 entering into the memorandum relating to the review of the
15 potential environmental, historical, or archeological effect of a
16 highway project;

17 (2) specifies the responsibilities of each agency
18 entering into the memorandum relating to the review of a highway
19 project;

20 (3) specifies the types of information the department
21 must provide to the reviewing agency and the period during which the
22 department must provide the information;

23 (4) specifies the period during which the reviewing
24 agency must review the highway project and provide comments to the

1 department, as negotiated by the department and the agency but
2 which may not exceed 45 days after the date the agency receives a
3 request for comments from the department; ~~and~~

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

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

10 (c) The department by rule shall establish procedures
11 concerning coordination with agencies in carrying out
12 responsibilities under agreements under this section.

13 SECTION 2. (a) Chapter 201, Transportation Code, is
14 amended by adding Subchapter I-1 to read as follows:

15 SUBCHAPTER I-1. ENVIRONMENTAL REVIEW PROCESS

16 Sec. 201.751. DEFINITIONS. In this subchapter:

17 (1) "Day" means a calendar day.

18 (2) "Federal Highway Administration" means the United
19 States Department of Transportation Federal Highway
20 Administration.

21 (3) "Highway project" means a highway or related
22 improvement that is:

23 (A) part of the state highway system; or

24 (B) not part of the state highway system but
25 funded wholly or partly by federal money.

26 (4) "Local government sponsor" means a political
27 subdivision of the state that:

1 (A) elects to participate in the planning,
2 development, design, funding, or financing of a highway project;
3 and

4 (B) is a municipality or a county, a group of
5 adjoining counties, a county acting under Chapter 284, a regional
6 tollway authority operating under Chapter 366, a regional mobility
7 authority operating under Chapter 370, a local government
8 corporation, or a transportation corporation created under Chapter
9 431.

10 Sec. 201.752. STANDARDS. (a) The commission by rule shall
11 establish standards for processing an environmental review
12 document for a highway project. The standards must increase
13 efficiency, minimize delays, and encourage collaboration and
14 cooperation by the department with a local government sponsor, with
15 a goal of prompt approval of legally sufficient documents.

16 (b) The standards apply regardless of whether the
17 environmental review document is prepared by the department or a
18 local government sponsor. The standards apply to work performed by
19 the sponsor and to the department's review process and
20 environmental decision.

21 (c) The standards must address, for each type of
22 environmental review document:

23 (1) the issues and subject matter to be included in the
24 project scope prepared under Section 201.754;

25 (2) the required content of a draft environmental
26 review document;

27 (3) the process to be followed in considering each

1 type of environmental review document; and

2 (4) review deadlines, including the deadlines in
3 Section 201.759.

4 (d) The standards must include a process for resolving
5 disputes arising under this subchapter, provided that the dispute
6 resolution process must be concluded not later than the 60th day
7 after the date either party requests dispute resolution.

8 (e) For highway projects described in Section 201.753(a),
9 the standards may provide a process and criteria for the
10 prioritization of environmental review documents in the event the
11 department makes a finding that it lacks adequate resources to
12 timely process all documents it receives. Standards established
13 pursuant to this subsection must provide for notification to a
14 local government sponsor if processing of an environmental review
15 document is to be delayed due to prioritization, and must ensure
16 that the environmental review document for each highway project
17 will be completed no later than one year prior to the date planned
18 for publishing notice to let the construction contract for the
19 project, as indicated in a document identifying the project under
20 Section 201.753(a)(1) or a commission order under Section
21 201.753(a)(2).

22 Sec. 201.753. ENVIRONMENTAL REVIEW LIMITED TO CERTAIN
23 PROJECTS. (a) A local government sponsor or the department may
24 prepare an environmental review document for a highway project only
25 if the highway project is:

26 (1) identified in the financially constrained portion
27 of the approved state transportation improvement program or the

1 financially constrained portion of the approved unified
2 transportation program; or

3 (2) identified by the commission as being eligible for
4 participation under this subchapter.

5 (b) Notwithstanding Subsection (a), a local government
6 sponsor may prepare an environmental review document for a highway
7 project that is not identified by the commission or in a program
8 described by Subsection (a) if the sponsor submits with its notice
9 under Section 201.755 a fee in an amount established by commission
10 rule, but not to exceed the actual cost of reviewing the
11 environmental review document.

12 (c) A fee received by the department under Subsection (b)
13 must be deposited in the state highway fund and used to pay costs
14 incurred under this subchapter.

15 Sec. 201.754. SCOPE OF PROJECT. If an environmental review
16 document is prepared by a local government sponsor, the local
17 government sponsor must prepare a detailed scope of the project in
18 collaboration with the department before the department may process
19 the environmental review document.

20 Sec. 201.755. NOTICE TO DEPARTMENT. (a) A local
21 government sponsor may submit notice to the department proposing
22 that the local government sponsor prepare the environmental review
23 document for a highway project.

24 (b) The notice must include:

25 (1) the project scope prepared under Section 201.754;

26 and

27 (2) a request for classification of the project.

1 Sec. 201.756. LOCAL GOVERNMENT SPONSOR RESPONSIBILITIES. A
2 local government sponsor that submits notice under Section 201.755
3 is responsible for preparing all materials for:

- 4 (1) project scope determination;
- 5 (2) environmental reports;
- 6 (3) the environmental review document;
- 7 (4) environmental permits and conditions;
- 8 (5) coordination with resource agencies; and
- 9 (6) public participation.

10 Sec. 201.757. DETERMINATION OF ADMINISTRATIVELY COMPLETE
11 ENVIRONMENTAL REVIEW DOCUMENT. (a) A local government sponsor's
12 submission of an environmental review document must include a
13 statement from the local government sponsor that the document is
14 administratively complete, ready for technical review, and
15 compliant with all applicable requirements.

16 (b) Not later than the 20th day after the date the
17 department receives a local government sponsor's environmental
18 review document, the department shall either:

19 (1) issue a letter confirming that the document is
20 administratively complete and ready for technical review; or

21 (2) decline to issue a letter confirming that the
22 document is administratively complete and ready for technical
23 review, in accordance with Section 201.758.

24 Sec. 201.758. DEPARTMENT DECLINES TO CONFIRM THAT DOCUMENT
25 IS ADMINISTRATIVELY COMPLETE. (a) The department may decline to
26 issue a letter confirming that an environmental review document is
27 administratively complete and ready for technical review only if

1 the department sends a written response to the local government
2 sponsor specifying in reasonable detail the basis for its
3 conclusions, including a listing of any required information
4 determined by the department to be missing from the document.

5 (b) If the department provides notice under Subsection (a),
6 the department shall undertake all reasonable efforts to cooperate
7 with the local government sponsor in a timely manner to ensure that
8 the environmental review document is administratively complete.

9 (c) The local government sponsor may resubmit any
10 environmental review document determined by the department under
11 Section 201.757 not to be administratively complete, and the
12 department shall issue a determination letter on the resubmitted
13 document not later than the 20th day after the date the document is
14 resubmitted.

15 Sec. 201.759. REVIEW DEADLINES. (a) The following
16 deadlines must be included in the standards adopted under Section
17 201.752:

18 (1) the department shall issue a classification letter
19 not later than the 30th day after the date the department receives
20 notice from a local government sponsor under Section 201.755;

21 (2) for a project classified as a programmatic
22 categorical exclusion, the environmental decision must be rendered
23 not later than the 60th day after the date the supporting
24 documentation is received by the department;

25 (3) for a project classified as a categorical
26 exclusion, the environmental decision must be rendered not later
27 than the 90th day after the date the supporting documentation is

1 received by the department;

2 (4) for a project that requires the preparation of an
3 environmental assessment:

4 (A) the department must provide all department
5 comments on a draft environmental assessment not later than the
6 90th day after the date the draft is received by the department; and

7 (B) the department must render the environmental
8 decision on the project not later than the 60th day after the later
9 of:

10 (i) the date the revised environmental
11 assessment is submitted to the department; or

12 (ii) the date the public involvement
13 process concludes;

14 (5) the department must render the environmental
15 decision on any reevaluation not later than the 120th day after the
16 date the supporting documentation is received by the department;
17 and

18 (6) for a project that requires the preparation of an
19 environmental impact statement, the department shall render the
20 environmental decision not later than the 120th day after the date
21 the draft final environmental impact statement is submitted.

22 (b) Review deadlines under this section specify the date by
23 which the department will render the environmental decision on a
24 project or the time frames by which the department will make a
25 recommendation to the Federal Highway Administration, as
26 applicable.

27 (c) A deadline that falls on a weekend or official state

1 holiday is considered to occur on the next business day.

2 Sec. 201.760. SUSPENSION OF TIME PERIODS. The computation
3 of review deadlines under Section 201.759 does not begin until an
4 environmental review document is determined to be administratively
5 complete, and is suspended during any period in which:

6 (1) the document that is the subject of the review is
7 being revised by or on behalf of the local government sponsor in
8 response to department comments;

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

12 (3) the local government sponsor is preparing a
13 response to any issue raised by legal counsel for the department
14 concerning compliance with applicable law.

15 Sec. 201.761. AGREEMENT BETWEEN LOCAL GOVERNMENT SPONSOR
16 AND DEPARTMENT. Notwithstanding any provision of this subchapter
17 or any other law, a local government sponsor and the department may
18 enter into an agreement that defines the relative roles and
19 responsibilities of the parties in the preparation and review of
20 environmental review documents for a specific project. For a
21 project for which an environmental decision requires the approval
22 of the Federal Highway Administration and to the extent otherwise
23 permitted by law, the Federal Highway Administration may also be a
24 party to an agreement between a local government sponsor and the
25 department under this section.

26 Sec. 201.762. REPORTS TO COMMISSION AND LEGISLATURE.
27 (a) Not later than June 30 and December 31 of each year, the

1 department shall submit a report to the commission at a regularly
2 scheduled commission meeting identifying projects being processed
3 under the procedures of this subchapter and the status of each
4 project, including:

5 (1) how the project was classified for environmental
6 review;

7 (2) the current status of the environmental review;

8 (3) the date on which the department is required to
9 make an environmental decision under applicable deadlines;

10 (4) an explanation of any delays; and

11 (5) any deadline under Section 201.759 missed by the
12 department.

13 (b) Not later than December 1 of each year, the department
14 shall submit a report to the members of the standing legislative
15 committees with primary jurisdiction over matters related to
16 transportation regarding the implementation of this subchapter,
17 including a status report for the preceding 12-month period that
18 contains the information described in Subsection (a).

19 (c) The department shall post copies of the reports required
20 under this section on its Internet website and shall provide a copy
21 of the report required by Subsection (b) to each member of the
22 legislature who has at least one project covered by the report in
23 the member's district.

24 (d) The department shall make available on its Internet
25 website and update regularly the status of projects being processed
26 under this subchapter.

27 (b) The Texas Transportation Commission shall adopt rules

1 to implement Subchapter I-1, Chapter 201, Transportation Code, as
2 added by this Act, not later than March 1, 2012.

3 (c) Subchapter I-1, Chapter 201, Transportation Code, as
4 added by this Act, applies only to a notice of a local government
5 sponsor proposing the sponsor's preparation of an environmental
6 review document that is received by the Texas Department of
7 Transportation on or after the effective date of this Act.
8 Submissions to the Texas Department of Transportation received
9 before the effective date of this Act are governed by the law in
10 effect on the date the submission was received, and that law is
11 continued in effect for that purpose.

12 SECTION 3. Subchapter A, Chapter 222, Transportation Code,
13 is amended by adding Sections 222.005 and 222.006 to read as
14 follows:

15 Sec. 222.005. AUTHORIZATION TO PROVIDE ASSISTANCE TO
16 EXPEDITE ENVIRONMENTAL REVIEW. (a) The department, a county, a
17 regional tollway authority operating under Chapter 366, or a
18 regional mobility authority operating under Chapter 370 may enter
19 into an agreement to provide funds to a state or federal agency to
20 expedite the agency's performance of its duties related to the
21 environmental review process for the applicable entity's
22 transportation projects, including those listed in the applicable
23 metropolitan planning organization's long-range transportation
24 plan under 23 U.S.C. Section 134.

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

27 (1) may specify transportation projects the

1 applicable entity considers to be priorities for review; and

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

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

8 (d) An agreement entered into under this section does not
9 diminish or modify the rights of the public regarding review and
10 comment on transportation projects.

11 (e) An entity entering into an agreement under this section
12 shall make the agreement available on the entity's Internet
13 website.

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

19 (1) be available to department employees; and

20 (2) require continuing education for recertification.

21 SECTION 4. Section 12.0011, Parks and Wildlife Code, is
22 amended by adding Subsection (b-1) to read as follows:

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

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

11 SECTION 6. This Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB630 by Pickett (Relating to the environmental review process for transportation projects.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the Texas Department of Transportation (TxDOT), a county, regional tollway authority, or a regional mobility authority to 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 TxDOT transportation projects. The bill would require each entity to make each agreement available on the entity's Internet website. The bill would require TxDOT to establish, by rule, a process to certify district environmental specialists to work on all documents related to state and federal environmental review processes and to make the process available to TxDOT employees. The bill would require the certification process to require continuing education for recertification. The bill would require a memorandum of understanding (MOU) between TxDOT and certain state agencies required under Section 201.607, Transportation Code, to specify a time period not to exceed 45 days during which a state agency reviews and provides comments to TxDOT regarding the environmental, historical, or archeological effect of a highway project. The bill would require TxDOT, by rule, to establish procedures for coordinating with state agencies in carrying out the responsibilities under such MOUs. The bill would amend the Parks and Wildlife Code to require the Texas Parks and Wildlife Department (TPWD) to provide recommendations and information in response to a TxDOT request for comments no later than 45 days after the date TPWD receives the request.

The bill would amend the Transportation Code to require the commission by rule to set standards for processing an environmental review document for a transportation project pursuant to certain guidelines established by the bill. The bill would authorize a political subdivision (local government sponsor, as defined by the bill) to submit a document for review by TxDOT for a project contained in the financially-constrained portion of the state transportation improvement program (STIP) or the unified transportation program (UTP) or a project that is identified by the commission as being eligible for participation. The bill would authorize a sponsor to develop an environmental review document for a project that is not identified in the STIP or UTP by submitting to a notification to TxDOT that the sponsor will prepare the document and paying a fee in an amount established by commission rule and in an amount not to exceed the actual cost of reviewing the document. The bill would require a local government sponsor to prepare a detailed scope of the project in collaboration with TxDOT before TxDOT may process the environmental review document. The bill would require TxDOT to determine whether environmental review documents submitted by a sponsor are administratively complete and ready for technical review within 20 days of the date the sponsor submits the documents to TxDOT for review. The bill would require TxDOT to submit reports to the commission and the Legislature identifying the status of each project being processed under the review process established by the bill and to publish and regularly update project status information on the TxDOT website.

Based on the analysis of TxDOT, TPWD, the Historical Commission, and the Texas Commission on Environmental Quality, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources. Based on the information

provided by TxDOT, it is assumed the agency would use existing highway planning and construction appropriations to provide funding to other state and federal agencies under agreements for expedited environmental reviews of TxDOT transportation projects.

TxDOT indicates that the agency currently reviews projects submitted by local sponsors but does not conduct reviews of document submissions for administrative completeness prior to performing technical reviews. TxDOT assumes that consultants would be hired to perform the administrative reviews at a cost of \$70 per hour. The total costs of review would depend on the number of projects submitted for review, the initial level of completeness of the original documents submitted for review, and the number of projects that may be resubmitted for subsequent review. It is assumed TxDOT's costs for the administrative reviews required by the bill would be accommodated through the reallocation of the agency's existing transportation planning and construction funds. This analysis does not estimate the amount of revenue that may be received with an application from a local sponsor that opts to prepare documents for a project that is not included in the financially-constrained portion of the STIP or UTP. Based on the analysis of TxDOT, it is assumed any additional staffing requirements related to implementing the environmental document review and project status tracking provisions of the bill would be accommodated through the reallocation of vacant positions and associated resources to the agency's Environmental Affairs Division from elsewhere within the agency.

Local Government Impact

It is anticipated that a local government would only opt to participate as a sponsor and prepare environmental documents for a highway project if sufficient funds were available. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation, 582 Commission on Environmental Quality, 802 Parks and Wildlife Department, 808 Historical Commission

LBB Staff: JOB, SD, KJG, MW, TG, KKR, TB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB630 by Pickett (Relating to the environmental review process for transportation projects.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the Texas Department of Transportation (TxDOT), a county, regional tollway authority, or a regional mobility authority to 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 TxDOT transportation projects. The bill would require each entity to make each agreement available on the entity's Internet website. The bill would require TxDOT to establish, by rule, a process to certify district environmental specialists to work on all documents related to state and federal environmental review processes and to make the process available to TxDOT employees. The bill would require the certification process to require continuing education for recertification. The bill would require a memorandum of understanding (MOU) between TxDOT and certain state agencies required under Section 201.607, Transportation Code, to specify a time period not to exceed 45 days during which a state agency reviews and provides comments to TxDOT regarding the environmental, historical, or archeological effect of a highway project. The bill would require TxDOT, by rule, to establish procedures for coordinating with state agencies in carrying out the responsibilities under such MOUs. The bill would amend the Parks and Wildlife Code to require the Texas Parks and Wildlife Department (TPWD) to provide recommendations and information in response to a TxDOT request for comments no later than 45 days after the date TPWD receives the request.

The bill would amend the Transportation Code to require the commission by rule to set standards for processing an environmental review document for a transportation project pursuant to certain guidelines established by the bill. The bill would authorize a political subdivision (local government sponsor, as defined by the bill) to submit a document for review by TxDOT for a project contained in the financially-constrained portion of the state transportation improvement program (STIP) or the unified transportation program (UTP) or a project that is identified by the commission as being eligible for participation. The bill would authorize a sponsor to develop an environmental review document for a project that is not identified in the STIP or UTP by submitting to a notification to TxDOT that the sponsor will prepare the document and paying a fee in an amount established by commission rule and in an amount not to exceed the actual cost of reviewing the document. The bill would require a local government sponsor to prepare a detailed scope of the project in collaboration with TxDOT before TxDOT may process the environmental review document. The bill would require TxDOT to determine whether environmental review documents submitted by a sponsor are administratively complete and ready for technical review within 20 days of the date the sponsor submits the documents to TxDOT for review. The bill would require TxDOT to submit reports to the commission and the Legislature identifying the status of each project being processed under the review process established by the bill and to publish and regularly update project status information on the TxDOT website.

Based on the analysis of TxDOT, TPWD, the Historical Commission, and the Texas Commission on Environmental Quality, it is assumed any costs or duties associated with implementing the provisions

of the bill could be absorbed within the agency's existing resources. Based on the information provided by TxDOT, it is assumed the agency would use existing highway planning and construction appropriations to provide funding to other state and federal agencies under agreements for expedited environmental reviews of TxDOT transportation projects.

TxDOT indicates that the agency currently reviews projects submitted by local sponsors but does not conduct reviews of document submissions for administrative completeness prior to performing technical reviews. TxDOT assumes that consultants would be hired to perform the administrative reviews at a cost of \$70 per hour. The total costs of review would depend on the number of projects submitted for review, the initial level of completeness of the original documents submitted for review, and the number of projects that may be resubmitted for subsequent review. It is assumed TxDOT's costs for the administrative reviews required by the bill would be accommodated through the reallocation of the agency's existing transportation planning and construction funds. This analysis does not estimate the amount of revenue that may be received with an application from a local sponsor that opts to prepare documents for a project that is not included in the financially-constrained portion of the STIP or UTP. Based on the analysis of TxDOT, it is assumed any additional staffing requirements related to implementing the environmental document review and project status tracking provisions of the bill would be accommodated through the reallocation of vacant positions and associated resources to the agency's Environmental Affairs Division from elsewhere within the agency.

Local Government Impact

It is anticipated that a local government would only opt to participate as a sponsor and prepare environmental documents for a highway project if sufficient funds were available. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation, 582 Commission on Environmental Quality, 802 Parks and Wildlife Department, 808 Historical Commission

LBB Staff: JOB, KJG, MW, TG, KKR, TB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB630 by Pickett (Relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow the Texas Department of Transportation (TxDOT), a county, or certain regional tollway or regional mobility authorities to enter into an agreement to pay a state or federal agency to expedite an environmental review process for transportation projects.

TxDOT indicates that funding from the state's current allocation of state and federal highway planning and construction dollars would be used to provide funds to a state or federal agency to expedite that agency's environmental review process. Based on the analysis of TxDOT, it is assumed that any costs associated with implementing the provisions of the bill would be accommodated through the reallocation of funding from other highway planning and construction activities.

The bill also would allow TxDOT to enter into a separate agreement determined by the department for regional importance. Agreements would be required to be available on an entity's Internet website.

Local Government Impact

The fiscal impact to a county, or a regional tollway or regional mobility authority would vary depending on whether an agreement was established to provide funds to expedite an environmental review process for a transportation project. It is assumed an agreement would be established only if sufficient funds were available.

According to the North Texas Tollway Authority, the Alamo Regional Mobility Authority and the Central Texas Regional Mobility Authority, there would be no fiscal impact associated with the provisions of the bill.

The Texas Association of Counties (TAC) reported that some counties may provide funding to expedite an environmental review process for transportation projects; however, it would vary and is not anticipated to create a significant fiscal impact to counties on a statewide basis.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 25, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB630 by Pickett (Relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to allow the Texas Department of Transportation (TxDOT), a county, or certain regional tollway or regional mobility authorities to enter into an agreement to pay a state or federal agency to expedite an environmental review process for transportation projects.

TxDOT indicates that funding from the state's current allocation of state and federal highway planning and construction dollars would be used to provide funds to a state or federal agency to expedite that agency's environmental review process. Based on the analysis of TxDOT, it is assumed that any costs associated with implementing the provisions of the bill would be accommodated through the reallocation of funding from other highway planning and construction activities.

The bill also would allow TxDOT to enter into a separate agreement determined by the department for regional importance. Agreements would be required to be available on an entity's Internet website.

Local Government Impact

The fiscal impact to a county, or a regional tollway or regional mobility authority would vary depending on whether an agreement was established to provide funds to expedite an environmental review process for a transportation project. It is assumed an agreement would be established only if sufficient funds were available.

According to the North Texas Tollway Authority, the Alamo Regional Mobility Authority and the Central Texas Regional Mobility Authority, there would be no fiscal impact associated with the provisions of the bill.

The Texas Association of Counties (TAC) reported that some counties may provide funding to expedite an environmental review process for transportation projects; however, it would vary and is not anticipated to create a significant fiscal impact to counties on a statewide basis.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TP