

BILL ANALYSIS

H.B. 1964
By: Harper-Brown
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that the Texas Department of Transportation (TxDOT) is currently unable to take advantage of recent changes in federal law. The changes in federal law would allow TxDOT, if given appropriate authority in state law, to be delegated federal authority with respect to duties under the federal National Environmental Policy Act of 1969 and certain other federal laws. These parties contend that this delegation will substantially improve the efficiency of the environmental review process for transportation projects in Texas without reducing the number and nature of federal environmental requirements. Interested parties report that the proposed delegation has been very successful in other states, resulting in a substantial reduction in the amount of time required for certain environmental reviews and expedited construction of many transportation projects.

H.B. 1964 seeks to amend the current law relating to the authority of TxDOT to participate in certain federal transportation programs.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 1964 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to assume responsibilities of the United States Department of Transportation with respect to duties under the federal National Environmental Policy Act of 1969 and with respect to duties under other federal environmental laws. The bill authorizes TxDOT to assume responsibilities under specified federal law relating to categorical exclusions of certain designated activities regarding environmental assessments or environmental impact statements and under specified federal law relating to the surface transportation project delivery pilot program. The bill authorizes TxDOT to enter into one or more agreements, including memoranda of understanding, with the United States secretary of transportation related to the designation of such categorical exclusions or related to the delivery program.

H.B. 1964 authorizes the Texas Transportation Commission to adopt rules to implement the bill's provisions and to adopt relevant federal environmental standards as the standards for Texas for a program described by the bill's provisions. The bill specifies that sovereign immunity to suit in federal court and from liability is waived and abolished with regard to the compliance, discharge, or enforcement of a responsibility assumed by TxDOT under the bill's provisions. The bill specifies that such waiver and abolishment does not create liability for TxDOT that exceeds the liability created under the related federal law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.