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H.B. No. 1964

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Department of Transportation
to participate in certain federal transportation programs.

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

SECTION 1. Subchapter H, Chapter 201, Transportation Code,
is amended by adding Section 201.6035 to read as follows:

Sec. 201.6035. AUTHORIZATION TO PARTICIPATE IN CERTAIN
FEDERAL TRANSPORTATION PROGRAMS. (a) The department may assume
responsibilities of the United States Department of Transportation
with respect to duties under the National Environmental Policy Act
of 1969 (42 U.S.C. Section 4321 et seq.) and with respect to duties
under other federal environmental laws. The department may:

(1) assume responsibilities under 23 U.S.C. Sections
326 and 327; and

(2) enter into one or more agreements, including
memoranda of understanding, with the United States secretary of
transportation related to:

(A) designating categorical exclusions from
federally required environmental assessments or impact statements
for highway projects as provided by 23 U.S.C. Section 326; or

(B) the federal surface transportation project
delivery program for the delivery of transportation projects,
including highway, railroad, public transportation, and multimodal
projects, as provided by 23 U.S.C. Section 327.

1 (b) The commission may adopt rules to implement this section
2 and may adopt relevant federal environmental standards as the
3 standards for this state for a program described by Subsection (a).

4 (c) Except as provided by Subsection (d), sovereign
5 immunity to suit in federal court and from liability is waived and
6 abolished with regard to the compliance, discharge, or enforcement
7 of a responsibility assumed by the department under this section.

8 (d) Subsection (c) does not create liability for the
9 department that exceeds the liability created under 23 U.S.C.
10 Section 326(c)(3) or 327(d).

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2013.