

1-1 By: Hinojosa, Nichols S.B. No. 466
 1-2 (In the Senate - Filed February 11, 2013; February 13, 2013,
 1-3 read first time and referred to Committee on Transportation;
 1-4 March 11, 2013, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; March 11, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the authority of the Texas Department of Transportation
 1-20 to participate in certain federal transportation programs.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter H, Chapter 201, Transportation Code,
 1-23 is amended by adding Section 201.6035 to read as follows:

1-24 Sec. 201.6035. AUTHORIZATION TO PARTICIPATE IN CERTAIN
 1-25 FEDERAL TRANSPORTATION PROGRAMS. (a) The department may assume
 1-26 responsibilities of the United States Department of Transportation
 1-27 with respect to duties under the National Environmental Policy Act
 1-28 of 1969 (42 U.S.C. Section 4321 et seq.) and with respect to duties
 1-29 under other federal environmental laws. The department may:

1-30 (1) assume responsibilities under 23 U.S.C. Sections
 1-31 326 and 327; and

1-32 (2) enter into one or more agreements, including
 1-33 memoranda of understanding, with the United States secretary of
 1-34 transportation related to:

1-35 (A) designating categorical exclusions from
 1-36 federally required environmental assessments or impact statements
 1-37 for highway projects as provided by 23 U.S.C. Section 326; or

1-38 (B) the federal surface transportation project
 1-39 delivery program for the delivery of transportation projects,
 1-40 including highway, railroad, public transportation, and multimodal
 1-41 projects, as provided by 23 U.S.C. Section 327.

1-42 (b) The commission may adopt rules to implement this section
 1-43 and may adopt relevant federal environmental standards as the
 1-44 standards for this state for a program described by Subsection (a).

1-45 (c) Except as provided by Subsection (d), sovereign
 1-46 immunity to suit in federal court and from liability is waived and
 1-47 abolished with regard to the compliance, discharge, or enforcement
 1-48 of a responsibility assumed by the department under this section.

1-49 (d) Subsection (c) does not create liability for the
 1-50 department that exceeds the liability created under 23 U.S.C.
 1-51 Section 326(c)(3) or 327(d).

1-52 SECTION 2. This Act takes effect immediately if it receives
 1-53 a vote of two-thirds of all the members elected to each house, as
 1-54 provided by Section 39, Article III, Texas Constitution. If this
 1-55 Act does not receive the vote necessary for immediate effect, this
 1-56 Act takes effect September 1, 2013.

1-57 * * * * *