

By: Zaffirini

S.B. No. 1802

A BILL TO BE ENTITLED

AN ACT

relating to road specifications and safety standards for access to a solid waste facility.

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

SECTION 1. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.125 to read as follows:

Sec. 361.125. ROAD SPECIFICATIONS AND SAFETY STANDARDS FOR ACCESS TO SOLID WASTE FACILITY. (a) The commission by rule shall:

(1) adopt specific, uniform road specifications and safety standards for access to solid waste facilities that accept or process municipal solid waste or hazardous waste; and

(2) require as a condition of a permit that the permit holder comply with the rules adopted under Subdivision (1).

(b) Rules adopted under Subsection (a)(1) must:

(1) include standards or requirements for:

(A) safe railroad grade crossings;

(B) spill containment in high-risk areas;

(C) sufficient flood protection;

(D) vehicle weight and load limits that ensure the access of commercial motor vehicles to the solid waste facility without causing damage to the access routes;

(E) sight distance, as that term is defined by Section 255.001, Transportation Code; and

(F) appropriate traffic control devices and

1 lighting;

2 (2) require the permit holder to be financially
3 responsible for access route improvements and maintenance and to
4 reimburse a local governmental entity for any costs incurred by
5 that entity for improvements made to and maintenance of the access
6 routes; and

7 (3) require the permit holder to provide access to the
8 solid waste facility only through:

9 (A) a public highway;

10 (B) a dedicated county or municipal road;

11 (C) an easement for which the permit holder holds
12 a fee simple title; or

13 (D) an easement for which all owners of the
14 easement have agreed in writing to the use of the easement for
15 ingress and egress to the facility.

16 (c) The commission shall enforce this section, including
17 rules adopted under this section and conditions imposed under a
18 rule adopted under this section, and take an enforcement action
19 against a permit holder who violates this section.

20 SECTION 2. As soon as practicable after the effective date
21 of this Act, the Texas Commission on Environmental Quality shall
22 adopt the rules required by Section 361.125, Health and Safety
23 Code, as added by this Act.

24 SECTION 3. This Act takes effect September 1, 2021.