

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3747
By: McClendon et al. (Wentworth)
Transportation & Homeland Security
5/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Trains generate air pollution as long as the train is in operation, including times when the train's engine is idling while waiting for congestion to clear. Trains pose an additional risk of polluting the environment through the transportation of hazardous materials. If a train carrying such materials were to be compromised while near a large city, it may mean hundreds of thousands of people being placed in danger. The risks related to the operation of a train regarding air pollution and hazardous materials may be respectively lessened by taking steps to reduce train traffic congestion and to relocate freight trains that carry hazardous materials.

C.S.H.B. 3747 requires that the first \$25 million in the Texas emissions reduction plan fund be deposited in the Texas rail relocation and improvement fund. This bill also requires the Texas Department of Transportation to conduct a study to determine the economic feasibility of relocating freight trains that carry hazardous materials near municipalities with a population of more than 1.2 million.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

SECTION 1. (a) Requires the Texas Department of Transportation (TxDOT) to conduct a study to determine the economic feasibility of relocating freight trains that carry hazardous materials away from residential areas of the state in municipalities with a population of more than 1.2 million (study). Requires the study to include an evaluation of cost options for such relocation.

(b) Requires TxDOT to report the results of the study to the governor and the legislature not later than March 1, 2008.

SECTION 2. Amends Section 386.109, Health and Safety Code, to include a project to reduce air pollution and engine idling by relieving congestion through rail relocation or improvement at certain rail intersections among other projects that the Texas Natural Resource Conservation Commission is authorized to consider for funding under Section 386.108 (Infrastructure Projects).

SECTION 3. Reenacts and amends Section 386.252(a), Health and Safety Code, as amended by Section 3, Chapter 766, Section 3, Chapter 1095, and Section 11, Chapter 1125, Acts of the 79th Legislature, Regular Session, 2005, to require the transference of the first \$25 million in the Texas emissions reduction plan fund to the Texas rail relocation and improvement fund on September 1 of each year and authorize the use of the remaining money only to implement and administer certain programs established under the Texas emissions reduction plan.

SECTION 4. Reenacts and amends, effective September 1, 2008, Section 386.252(a), Health and Safety Code, as amended by Section 3, Chapter 766, Section 3, Chapter 1095, and Section

12, Chapter 1125, Acts of the 79th Legislature, Regular Session, 2005, to make conforming changes.

SECTION 5. Effective date: upon passage or September 1, 2007.