

## **BILL ANALYSIS**

Senate Research Center  
81R12264 SLB-D

C.S.S.B. 448  
By: Carona  
Transportation & Homeland Security  
3/18/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Department of Transportation (TxDOT) can mitigate adverse environmental impacts resulting from the construction or maintenance of state highways by the transfer of interests in property rights. Since 1995, the legislature has increased the number and range of options for mitigation. The increased authority has allowed TxDOT to take less costly approaches to address the adverse impacts.

Currently TxDOT is not authorized to transfer an interest in real property that is less than a fee simple interest (such as an easement or lease agreement) to mitigate an adverse environmental impact resulting from construction, maintenance, or operation of a state highway or facility used in connection with the construction, maintenance, or operation of a state highway.

C.S.S.B. 448 authorizes TxDOT to transfer any interest in certain real property to an appropriate public agency or private entity, as authorized by the regulatory authority that requires the mitigation, with or without monetary consideration if the property is to be used for mitigation purposes.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 201.617(a), Transportation Code, as transferred by Chapter 281 (H.B. 2702), Acts of the 79th Legislature, Regular Session, 2005, as follows:

(a) Authorizes the Texas Department of Transportation, if authorized by an applicable regulatory authority, to mitigate an adverse environmental impact that is a direct result of the construction, improvement, or maintenance of a state highway or the construction, improvement, or maintenance of a facility used in connection with the construction, maintenance, or operation of a state highway, rather than an improvement project, to transfer any interest in real property to an appropriate public agency or private entity, as authorized by the regulatory authority that requires the mitigation, with or without monetary consideration if the property is used or is proposed to be used for mitigation purposes.

SECTION 2. Effective date: upon passage or September 1, 2009.