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Chapter 738

AN ACT

1 relating to the authority of the Texas Department of Transportation
2 to mitigate adverse environmental impacts resulting from the
3 construction, improvement, or maintenance of state highways or
4 state highway facilities.
5

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

7 SECTION 1. Subsection (a), Section 201.617, Transportation
8 Code, as transferred by Chapter 281 (H.B. 2702), Acts of the 79th
9 Legislature, Regular Session, 2005, is amended to read as follows:

10 (a) If authorized by an applicable regulatory authority, to
11 mitigate an adverse environmental impact that is a direct result of
12 the construction, improvement, or maintenance of a state highway or
13 the construction, improvement, or maintenance of a facility used in
14 connection with the construction, maintenance, or operation of a
15 state highway [improvement project], the department may:

16 (1) pay a fee to an appropriate public agency or
17 private entity in lieu of acquiring or agreeing to manage property;

18 (2) transfer any interest in real property to an
19 appropriate public agency or private entity, as authorized by the
20 regulatory authority that requires the mitigation, with or without
21 monetary consideration if the property is used or is proposed to be
22 used for mitigation purposes; or

23 (3) contract with any public or private entity for the
24 management of property owned by the department and used for

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S.B. No. 448

1 mitigation purposes.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009. _____

David Newkum
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 448 passed the Senate on
April 2, 2009, by the following vote: Yeas 31, Nays 0. _____

Patricia Spaw
Secretary of the Senate

I hereby certify that S.B. No. 448 passed the House on
May 27, 2009, by the following vote: Yeas 148, Nays 0, one present
not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 pm O'CLOCK

JUN 19 2009

Colby Hunter III