

Hazardous Materials in Project Development Agreements

For More Information

For more information on the agreements discussed in this guidance document, contact the following divisions or offices:

TxDOT Agreement Contacts

Agreement	TxDOT Division or Office
Permission for Right of Entry	Environmental Affairs Division or Right of Way Division
Local Public Agency Agreement	Contract Services Office or Right of Way Division
Utility Agreements	Right of Way Division
Temporary Use Agreements	Maintenance Division
Petroleum Storage Tank Removal Agreements	Right of Way Division
Indemnity Agreements	Right of Way Division
Possession and Use Agreements	Right of Way Division

Permission for Right of Entry for Hazardous Materials Assessments

The following paragraph can be used for initial site assessments:

TxDOT personnel or environmental consultants under contract with TxDOT will conduct an initial site assessment and/or Phase I Environmental Site Assessment (ESA) of the project area to determine the likelihood that hazardous substances and/or petroleum contamination exist on the property and the extent to which further investigation and/or remediation may be necessary. The site assessment will be limited to a walking survey, inspection and photography of possible concerns on the property. No samples of soil, water and/or materials will be obtained. Interviews with property owners and/or current occupants may also be conducted. If sampling and analytical testing is required to characterize potential hazardous substances and/or determine the extent of contamination, then such investigations will be part of a separate agreement at a later date. TxDOT may make available a copy of the results to the Texas Commission on Environmental Quality (TCEQ) or other appropriate regulatory agency. The site assessment findings will be discussed in environmental assessment reports and/or documentation for the project, which is available to the public.

Districts should contact the Right of Way Division for more information on obtaining permission for right of entry for investigations.

Local Public Agency Agreement for Environmental Concerns

The following is a standard paragraph in the Local Public Agency Agreement for environmental concerns which may need revisions to address project specific or site specific issues:

The City will be responsible for the remediation of any environmental problems associated with the development and construction of the Project. The City shall provide to the State written certification from the appropriate regulatory agency(s) that the environmental contamination does not exist or any environmental problems discovered have been remedied. The City will not submit the 'Request for Construction Bids' until all known environmental problems have been remediated by the City. All costs associated with the remediation of the environmental problems shall be the responsibility of the City.

Districts should contact TxDOT Contract Services Office for more information about Local Public Agency Agreements.