

By: Hinojosa, Cyrier, Rodriguez

H.B. No. 3893

Substitute the following for H.B. No. 3893:

By: Thierry

C.S.H.B. No. 3893

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the modification of a 99-year lease of certain state
3 property to the City of Austin and the grant of a 99-year lease of
4 certain state property and certain easements to the Capital
5 Metropolitan Transportation Authority.

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

7 SECTION 1. Section 2B(a), Chapter 34 (H.B. 215), General
8 Laws, Acts of the 33rd Legislature, Regular Session, 1913, is
9 amended to read as follows:

10 (a) The leasehold interest granted by the state under
11 Sections 2 and 2A(a)(2) of this Act shall be limited to only the
12 surface of the property described in Sections 1 and 2A(a)(2) of this
13 Act and shall be subject and subordinate to those rights and
14 interests granted to the Capital Metropolitan Transportation
15 Authority pursuant to Section 3 of this Act, provided however that
16 the Capital Metropolitan Transportation Authority shall exercise
17 those rights and interests so as to reasonably accommodate the
18 public uses authorized by Sections 2 and 2A of this Act. The state
19 does not by this Act part with any title, color of title or interest
20 which it now owns in the property described in this Act, except as
21 granted herein.

22 SECTION 2. Chapter 34 (H.B. 215), General Laws, Acts of the
23 33rd Legislature, Regular Session, 1913, is amended by adding
24 Section 3 to read as follows:

1 Sec. 3. (a) Notwithstanding any other provision of this
2 Act, the State of Texas hereby cedes and grants to the Capital
3 Metropolitan Transportation Authority for a period of 99 years
4 beginning on the effective date of this Act a lease of all of the
5 subsurface strata below the surface of the property described in
6 Sections 1 and 2A(a)(2) of this Act and the streets abutting such
7 property to the center of such streets.

8 (b) The Capital Metropolitan Transportation Authority may
9 use the subsurface of the property described in Subsection (a) of
10 this section for public transportation, a subway or underground
11 railway station, tunnel, or terminal, and transportation
12 facilities, including any retail, commercial, public performance
13 and exhibition, and public amenity purposes. In any location and at
14 any depth below the surface of the property described in Subsection
15 (a) of this section, the Capital Metropolitan Transportation
16 Authority may construct, operate, repair, maintain, replace, and
17 remove the following transportation facilities:

18 (1) public transportation facilities, including
19 subway and railway tunnels, stations, tracks, and related
20 improvements;

21 (2) common areas and facilities designated for the
22 general use and convenience of any subtenants, passengers,
23 visitors, and occupants of the transportation facilities,
24 including concourses, tunnels, piers, boarding areas, stages,
25 exhibition and performance areas, seating areas, elevators, moving
26 walkways, sidewalks, stairways, escalators, pedestrian entrances,
27 station portals, air intakes or exits, loading zones, landscaping,

1 and any related facilities or improvements;

2 (3) shops, stores, booths, stands, spaces, and related
3 facilities used for any commercial, retail, market, or restaurant
4 uses;

5 (4) billboards and any advertising or promotional
6 signs or displays; and

7 (5) improvements, utilities, and related
8 infrastructure and public amenities related to the provision and
9 development of services and facilities described by Subdivisions
10 (1), (2), (3), and (4) of this subsection.

11 (c) Notwithstanding any other provision of this Act, the
12 State of Texas hereby cedes and grants to the Capital Metropolitan
13 Transportation Authority for a period of 99 years beginning on the
14 effective date of this Act the following easements on the surface of
15 the property described in Sections 1 and 2A(a)(2) of this Act and
16 the streets abutting such property to the center of such streets:

17 (1) a temporary nonexclusive construction easement to
18 use as much of the surface of the property as the Capital
19 Metropolitan Transportation Authority may consider necessary from
20 time to time for the purpose of constructing, maintaining,
21 repairing, replacing, relocating, and removing all or any part of
22 the transportation facilities described by Subsection (b) of this
23 section or the surface ancillary amenities described by Subdivision
24 (5) of this subsection;

25 (2) a nonexclusive access easement for vehicular and
26 pedestrian ingress, egress, and access to and from the
27 transportation facilities described by Subsection (b) of this

1 section on, over, and across the surface of the property, whether on
2 existing roadways, sidewalks, or walkways located on the property
3 or otherwise over the surface ancillary amenities described by
4 Subdivision (5) of this subsection as the Capital Metropolitan
5 Transportation Authority may install from time to time;

6 (3) a nonexclusive easement over the property for
7 audio, visual, view, reflective light, shadow flicker, glimmer,
8 noise, shadow, glare, and any other effects attributable to the
9 transportation facilities described by Subsection (b) of this
10 section located under or on the property and on property adjacent to
11 that property;

12 (4) a nonexclusive easement over the surface of the
13 property for the purpose of installing, maintaining, repairing,
14 replacing, relocating, and removing from time to time any:

15 (A) power transmission lines, including overhead
16 and underground transmission lines, poles, anchors, conduits,
17 support structures, cables, distribution and interconnection
18 facilities, and related utility facilities, infrastructure, and
19 equipment;

20 (B) telecommunication and data lines, including
21 overhead and underground transmission lines, poles, anchors,
22 conduits, support structures, cables, and related utility
23 facilities, infrastructure, and equipment;

24 (C) water, drainage, waste and sewer lines,
25 conduits, support structures, and related utility facilities,
26 infrastructure, and equipment; and

27 (D) other utility facilities, infrastructure,

1 and equipment as the Capital Metropolitan Transportation Authority
2 may consider necessary or desirable in connection with the
3 development, operation, and maintenance of the transportation
4 facilities described by Subsection (b) of this section or the
5 surface ancillary amenities described by Subdivision (5) of this
6 subsection; and

7 (5) an encroachment easement and right to construct,
8 maintain, repair, replace, relocate, and remove, as the Capital
9 Metropolitan Transportation Authority may consider necessary or
10 desirable to install over the surface of the property, the
11 following surface ancillary amenities: aboveground signage,
12 booths, walkways, sidewalks, elevators, stairwells, escalators,
13 awnings, entryways, exits, fences, landscaping, air intakes or
14 exits, trash receptacles, and other public amenities.

15 (d) Each easement granted to the Capital Metropolitan
16 Transportation Authority under Subsection (c) of this section shall
17 be appurtenant to the leasehold interest granted to the Capital
18 Metropolitan Transportation Authority under Subsection (a) of this
19 section, shall run with the property described in Subsections (a)
20 and (c) of this section, and shall inure to the benefit of the
21 Capital Metropolitan Transportation Authority. Nonuse of an
22 easement or right granted under Subsection (c) of this section does
23 not constitute abandonment or surrender and does not preclude the
24 use of the entire scope of the easement or right by the Capital
25 Metropolitan Transportation Authority at any time or from time to
26 time.

27 (e) The state acknowledges and agrees that the Capital

1 Metropolitan Transportation Authority shall be the sole and
2 exclusive owner of all transportation facilities described by
3 Subsection (b) of this section and surface ancillary amenities
4 described by Subsection (c)(5) of this section installed under this
5 section, and the Capital Metropolitan Transportation Authority may
6 convey or remove the same at any time or from time to time. The
7 state hereby waives any lien rights, whether statutory or
8 otherwise, the state has or may have to the transportation
9 facilities described by Subsection (b) of this section or the
10 surface ancillary amenities described by Subsection (c)(5) of this
11 section.

12 (f) The Capital Metropolitan Transportation Authority shall
13 have the right at any time and from time to time to assign,
14 encumber, hypothecate, mortgage, or pledge any right, title, or
15 interest granted to the Capital Metropolitan Transportation
16 Authority under this section, including, without limitation, any of
17 its right, title, or interest in and to the transportation
18 facilities described by Subsection (b) of this section or the
19 surface ancillary amenities described by Subsection (c)(5) of this
20 section. Moreover, the Capital Metropolitan Transportation
21 Authority is hereby authorized to grant such subleases, easements,
22 and licenses over, across, through, or under the property described
23 in Subsections (a) and (c) of this section as the Capital
24 Metropolitan Transportation Authority may consider necessary or
25 desirable in connection with the development, operation, or
26 maintenance of the transportation facilities described by
27 Subsection (b) of this section or the surface ancillary amenities

1 described by Subsection (c)(5) of this section.

2 (g) The State of Texas does not by this Act part with any
3 title, color of title, or interest which it now owns in the property
4 described in this section, except as granted in this section.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.