

By: Lindsay

S.B. No. 37

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the precedence of highway access rules and ordinances
3 of certain counties and municipalities over highway access
4 management orders of the Texas Transportation Commission.

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

6 SECTION 1. Section 203.032, Transportation Code, as amended
7 by S.B. No. 361, Acts of the 78th Legislature, Regular Session,
8 2003, is amended to read as follows:

9 Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) An
10 ~~[Except as provided by Subsection (b), an]~~ order of the commission
11 under Section 203.031 supersedes a conflicting rule or ordinance of
12 a state agency or subdivision of this state or any county or
13 municipality, including a home-rule municipality.

14 (b) Notwithstanding Subsection (a), the commission may not
15 adopt or enforce an order under Section 203.031(a)(2) or (4) that:

16 (1) is applicable to a highway located in a county with
17 a population of 3.3 million or more or in a county adjacent to a
18 county with a population of 3.3 million or more and inconsistent
19 with a highway access rule or ordinance adopted by the
20 commissioners court of the county; or

21 (2) is applicable to a highway located in a
22 municipality in a county described by Subdivision (1) and
23 inconsistent with a highway access rule or ordinance adopted by the
24 governing body of the municipality ~~[An order of the commission~~

1 ~~under Section 203.031(a)(2) or (4) does not supersede a conflicting~~
2 ~~rule or ordinance of a municipality, including a home-rule~~
3 ~~municipality, unless the United States Department of~~
4 ~~Transportation Federal Highway Administration notifies the~~
5 ~~department that enforcement of the municipal rule or ordinance~~
6 ~~would impair the ability of the state or the department to receive~~
7 ~~funds for highway construction or maintenance from the federal~~
8 ~~government].~~

9 (c) An order of the commission under Section 203.031(a)(2)
10 or (4) does not supersede a conflicting rule or ordinance of a
11 municipality, including a home-rule municipality, or of a county,
12 unless the United States Department of Transportation Federal
13 Highway Administration notifies the department that enforcement of
14 the municipal or county rule or ordinance would impair the ability
15 of this state or the department to receive funds for highway
16 construction or maintenance from the federal government.
17 Subsection (b) does not apply if the United States Department of
18 Transportation Federal Highway Administration notifies the
19 department that enforcement of the municipal or county rule or
20 ordinance would impair the ability of this state or the department
21 to receive funds for highway construction or maintenance from the
22 federal government ~~[when the department owns the access rights].~~

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect November 1, 2003.