

1-1 By: Lindsay S.B. No. 37  
1-2 (In the Senate - Filed July 8, 2003; July 9, 2003, read  
1-3 first time and referred to Committee on Infrastructure Development  
1-4 and Security; July 17, 2003, reported favorably by the following  
1-5 vote: Yeas 6, Nays 0; July 17, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the precedence of highway access rules and ordinances  
1-9 of certain counties and municipalities over highway access  
1-10 management orders of the Texas Transportation Commission.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 203.032, Transportation Code, as amended  
1-13 by S.B. No. 361, Acts of the 78th Legislature, Regular Session,  
1-14 2003, is amended to read as follows:

1-15 Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) An  
1-16 ~~[Except as provided by Subsection (b), an]~~ order of the commission  
1-17 under Section 203.031 supersedes a conflicting rule or ordinance of  
1-18 a state agency or subdivision of this state or any county or  
1-19 municipality, including a home-rule municipality.

1-20 (b) Notwithstanding Subsection (a), the commission may not  
1-21 adopt or enforce an order under Section 203.031(a)(2) or (4) that:

1-22 (1) is applicable to a highway located in a county with  
1-23 a population of 3.3 million or more or in a county adjacent to a  
1-24 county with a population of 3.3 million or more and inconsistent  
1-25 with a highway access rule or ordinance adopted by the  
1-26 commissioners court of the county; or

1-27 (2) is applicable to a highway located in a  
1-28 municipality in a county described by Subdivision (1) and  
1-29 inconsistent with a highway access rule or ordinance adopted by the  
1-30 governing body of the municipality.

1-31 (c) An order of the commission under Section 203.031(a)(2)  
1-32 or (4) does not supersede a conflicting rule or ordinance of a  
1-33 municipality, including a home-rule municipality, or of a county,  
1-34 unless the United States Department of Transportation Federal  
1-35 Highway Administration notifies the department that enforcement of  
1-36 the municipal or county rule or ordinance would impair the ability  
1-37 of this [the] state or the department to receive funds for highway  
1-38 construction or maintenance from the federal government.

1-39 ~~[(c)]~~ Subsection (b) does not apply if the United States  
1-40 Department of Transportation Federal Highway Administration  
1-41 notifies the department that enforcement of the municipal or county  
1-42 rule or ordinance would impair the ability of this state or the  
1-43 department to receive funds for highway construction or maintenance  
1-44 from the federal government [when the department owns the access  
1-45 rights].

1-46 SECTION 2. This Act takes effect immediately if it receives  
1-47 a vote of two-thirds of all the members elected to each house, as  
1-48 provided by Section 39, Article III, Texas Constitution. If this  
1-49 Act does not receive the vote necessary for immediate effect, this  
1-50 Act takes effect November 1, 2003.

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