

BILL ANALYSIS

H.B. 2902
By: Phillips
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 253, Transportation Code allows counties to make improvements to roads within subdivisions and assess the costs to the property owners in the subdivision if these property owners vote to pay for the improvements. §253.001 clearly states that the chapter applies to part of a subdivision as well. However, §253.003, which actually allows a county to propose to make the improvement and assess the costs to property owners, does not specifically indicate that the section is, or is not, applicable to property owners in part of the subdivision. Since §253.003 does not repeat the language “part of a subdivision” found in §253.001, counties feel that they can act only on a vote of the entire subdivision.

Sometimes only part of a subdivision road needs to be improved. If a majority of the property owners would not benefit from the improvement, it would be unlikely that a vote would pass to assess the costs to all property owners in the subdivision.

HB 2902 would allow property owners in part of a subdivision to have a road improved by the county and the costs to be assessed only to those property owners who are directly affected by the improvement, after an affirmative vote of those property owners.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends §253.003, Transportation Code to allow a commissioners court to propose to assess costs of a road improvement to property owners within a defined part of a subdivision.

SECTION 2. Amends §253.006 to apply to property owners in part of a subdivision.

SECTION 3. Amends §253.007 to apply to property owners in part of a subdivision.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

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