

BILL ANALYSIS

S.B. 361
By: Shapiro
Transportation
Committee Report (Amended)

BACKGROUND AND PURPOSE

Recently, the Texas Department of Transportation (TxDOT) reviewed municipal highway access rules, specifically those regarding the distance between curb cuts along state highways, causing concern in local communities about safety, local control, and economic development. The review significantly impacts the viability of frontage roads and existing municipal plans for infrastructure development and growth that are based on current local access management plans. C.S.S.B. 361 provides that Texas Transportation Commission's orders under Section 203.031 (Control of Access) do not supersede a municipal ordinance, unless such an ordinance interferes with the ability of TxDOT or the state to receive federal highway funds.

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

SB 361 amends Section 203.032, Transportation Code, as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Creates Subsection (a) from existing text.

(b) Provides that an order of the Texas Transportation Commission (commission) under Section 203.031 (a)(2) or (4) (Control of Access) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, unless the Federal Highway Administration notifies the Texas Department of Transportation (TxDOT) that enforcement of the municipal rule or ordinance would impair the state or TxDOT's ability to receive funds for highway construction or maintenance from the federal government.

(c) Provides that Subsection (b) does not apply when TxDOT owns the access rights.

EFFECTIVE DATE

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

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 clarifies ownership rights of the department in subsection (c); and adds a new subsection (d), which mirrors the language in subsection (b) and applies specifically to county rules or ordinances of a county of at least 3.3 million population or neighboring county. Also applies to governing bodies of municipalities in those counties.

BILL ANALYSIS

S.B. 361
By: Shapiro
Transportation
Committee Report (Amended)

BACKGROUND AND PURPOSE

Recently, the Texas Department of Transportation (TxDOT) reviewed municipal highway access rules, specifically those regarding the distance between curb cuts along state highways, causing concern in local communities about safety, local control, and economic development. The review significantly impacts the viability of frontage roads and existing municipal plans for infrastructure development and growth that are based on current local access management plans. C.S.S.B. 361 provides that Texas Transportation Commission's orders under Section 203.031 (Control of Access) do not supersede a municipal ordinance, unless such an ordinance interferes with the ability of TxDOT or the state to receive federal highway funds.

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

SB 361 amends Section 203.032, Transportation Code, as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Creates Subsection (a) from existing text.

(b) Provides that an order of the Texas Transportation Commission (commission) under Section 203.031 (a)(2) or (4) (Control of Access) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, unless the Federal Highway Administration notifies the Texas Department of Transportation (TxDOT) that enforcement of the municipal rule or ordinance would impair the state or TxDOT's ability to receive funds for highway construction or maintenance from the federal government.

(c) Provides that Subsection (b) does not apply when TxDOT owns the access rights.

EFFECTIVE DATE

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

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 clarifies ownership rights of the department in subsection (c); and adds a new subsection (d), which mirrors the language in subsection (b) and applies specifically to county rules or ordinances of a county of at least 3.3 million population or neighboring county. Also applies to governing bodies of municipalities in those counties.

BILL ANALYSIS

S.B. 361
By: Shapiro
Transportation
Committee Report (Amended)

BACKGROUND AND PURPOSE

Recently, the Texas Department of Transportation (TxDOT) reviewed municipal highway access rules, specifically those regarding the distance between curb cuts along state highways, causing concern in local communities about safety, local control, and economic development. The review significantly impacts the viability of frontage roads and existing municipal plans for infrastructure development and growth that are based on current local access management plans. C.S.S.B. 361 provides that Texas Transportation Commission's orders under Section 203.031 (Control of Access) do not supersede a municipal ordinance, unless such an ordinance interferes with the ability of TxDOT or the state to receive federal highway funds.

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

SB 361 amends Section 203.032, Transportation Code, as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Creates Subsection (a) from existing text.

(b) Provides that an order of the Texas Transportation Commission (commission) under Section 203.031 (a)(2) or (4) (Control of Access) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, unless the Federal Highway Administration notifies the Texas Department of Transportation (TxDOT) that enforcement of the municipal rule or ordinance would impair the state or TxDOT's ability to receive funds for highway construction or maintenance from the federal government.

(c) Provides that Subsection (b) does not apply when TxDOT owns the access rights.

EFFECTIVE DATE

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

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 clarifies ownership rights of the department in subsection (c); and adds a new subsection (d), which mirrors the language in subsection (b) and applies specifically to county rules or ordinances of a county of at least 3.3 million population or neighboring county. Also applies to governing bodies of municipalities in those counties.