

BILL ANALYSIS

Senate Research Center

S.B. 1782
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Infrastructure Development and Security
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Enrolled

DIGEST AND PURPOSE

A recent review of highway access rules by the Texas Department of Transportation has raised concerns in local communities regarding the distance between curb cuts. S.B. 1782 provides that the Texas Transportation Commission's orders under Section 203.031 (Control of Access) do not supersede a municipal ordinance adopted by certain counties and municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 203.032, Transportation Code, as follows:

- (a) Creates this subdivision out of existing text.
- (b) Prohibits the Texas Transportation Commission (TTC), notwithstanding Subsection (a), from adopting or enforcing an order under Section 203.031 that is applicable to a highway located in a county with a population of 3.3 million or more or in a county adjacent to a county with a population of 3.3 million or more and inconsistent with a highway access rule or ordinance adopted by the commissioners court of the county or is applicable to a highway located in a municipality in a county described by Subdivision (1) and inconsistent with a highway access rule or ordinance adopted by the governing body of the municipality.
- (c) Provides that an order of TTC under Section 203.031(a)(2) or (4) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, or a county, unless the United States Department of Transportation Federal Highway Administration notifies the Texas Department of Transportation (TxDOT) that enforcement of the municipality or county rule or ordinance would impair the ability of the state or TxDOT to receive funds for highway construction or maintenance from the federal government. Provides that, in addition, Subsection (b) does not apply if the United States Department of Transportation Federal Highway Administration notifies TxDOT that enforcement of the municipality or county rule or ordinance would impair the ability of the state or TxDOT to receive funds for highway construction or maintenance from the federal government.

SECTION 2. Effective date: upon passage or September 1, 2003.