

BILL ANALYSIS

S.B. 1782
By: Lindsay
Transportation
Committee Report (Amended)

BACKGROUND 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

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 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.
- (d) Provides that Subsection (b) does not apply when TxDOT owns the access rights by having specifically acquired abutters' rights of access from the adjacent property owner, by specific deed language so indicated, or when constructing limited access toll roads and parkways, built without frontage roads that would otherwise allow access, unless preexisting abutters' rights of access to an existing roadway are impacted.

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

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 provides new language for subsection (d), stating that subsection (b) does not apply when the department owns the access rights, or the adjacent property owner does not own the abutter's rights of access.