

AN ACT

relating to the grant of the power of eminent domain to a regional mobility authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 361.003, Transportation Code, is amended by adding Subsections (m)-(r) to read as follows:

(m) Except as otherwise provided in this section, the governing body of a regional mobility authority has the same powers and duties that the commission and the department have under Subchapter D relating to the condemnation or purchase of real property. Notwithstanding Section 361.135(a), the concurrence of the commission is not a prerequisite to the exercise of the power of condemnation by the governing body of the regional mobility authority.

(n) The governing body of a regional mobility authority may acquire real property by the exercise of the power of condemnation only if:

(1) the real property is located in a county that is part of the regional mobility authority; or

(2) the real property is not located within a county that is part of the regional mobility authority and the commissioners court of the county in which the real property is located concurs in the exercise of the power of eminent domain to acquire the property.

1       (o) Subsection (m) does not authorize the governing body of  
2 a regional mobility authority to condemn or purchase real property  
3 of a rapid transit authority operating under Chapter 451,  
4 Transportation Code, that was confirmed before July 1, 1985, and in  
5 which the principal municipality has a population of less than  
6 750,000, unless the governing body of the regional mobility  
7 authority has entered into a written agreement with the governing  
8 body of the rapid transit authority specifying the terms and  
9 conditions under which the condemnation or purchase of the real  
10 property will occur.

11       (p) The governing body of a regional mobility authority may  
12 not file a declaration of taking as provided by Section 361.137 or  
13 take possession of property as provided by Section 361.138.

14       (q) With respect to a transportation project that is subject  
15 to Subpart C, 23 C.F.R. Part 450, a power granted by Subsection (m)  
16 may only be used if the transportation project for which property  
17 will be condemned or purchased is:

18               (1) included in the plan approved by the applicable  
19 metropolitan planning organization; and

20               (2) consistent with the statewide transportation plan  
21 and the statewide transportation improvement plan.

22       (r) A regional mobility authority may not condemn a bridge  
23 that is owned by a municipality or county and connects this state  
24 with the United Mexican States.

25       SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 156

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 156 was passed by the House on April 1, 2003, by the following vote: Yeas 143, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 156 on May 24, 2003, by the following vote: Yeas 133, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 156 was passed by the Senate, with amendments, on May 22, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor