

By: Davis of Harris

H.B. No. 1404

A BILL TO BE ENTITLED

AN ACT

relating to the construction of rail lines over public lands.

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

SECTION 1. Article 6317, Revised Statutes, is amended to read as follows:

Art. 6317. RIGHT OF WAY OVER PUBLIC LANDS. (a) Except as provided by Subsection (b), every ~~Every~~ such corporation shall have the right of way for its line of road through and over any lands belonging to this State, and to use any earth, timber, stone or other material upon any such land necessary to the construction and operation of its road through or over said land.

(b) The state may not grant an easement over a state-owned body of water for the construction of a rail line if any point on the proposed rail line is located within one-half mile of:

(1) a school;

(2) 50 or more residential dwelling units; or

(3) 10 or more nonindustrial businesses.

SECTION 2. Article 6336, Revised Statutes, is amended to read as follows:

Art. 6336. WHEN CORPORATION AND OWNER DISAGREE. If any railroad corporation shall at any time be unable to agree with the owner for the purchase of any real estate, or material thereon, required for the purpose of its incorporation or the transaction of its business, for its depots, station buildings, machine and repair

shops, for the construction of reservoirs for the water supply, or for the right of way, or for a new or additional right of way, for change, or relocation or road bed, to shorten the line, or any part thereof, or to reduce its grades, or any of them, or for double tracking its railroad or constructing and operating its tracks, which is hereby authorized and permitted, or for any other lawful purpose connected with or necessary to the building, operating or running its road, such corporation may acquire such property by condemnation thereof. The limitation in width prescribed by Article 6319 shall not apply to real estate or any interest therein, required for the purposes herein mentioned, other than right of way, and shall not apply to right of way when necessary for double tracking or constructing or adding additional railroad tracks, and real estate, or any interest therein, to be acquired for such other purposes, or any of them, need not adjoin or abut on the right way, and no change of the line through any city or town, or which shall result in the abandonment of any station or depot, shall be made, except upon written order of the Railroad Commission of Texas, authorizing such change. No railroad corporation shall have the right under this law to condemn any land for the purposes mentioned in this article situated more than two miles from the right of way of such railroad corporation. No railroad corporation shall have the right under this law to condemn any land for the purposes mentioned in this article owned by a political subdivision with a population of more than 1,950,000.

SECTION 3. This Act takes effect September 1, 2003.