

AN ACT

relating to the transfer of property under the jurisdiction of the Texas Department of Transportation.

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

SECTION 1. Section 201.103, Transportation Code, is amended to read as follows:

Sec. 201.103. COMPREHENSIVE SYSTEM OF HIGHWAYS AND ROADS.

(a) The commission shall plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

(b) The commission shall designate as part of the state highway system a highway that it determines is necessary for the proper development and operation of the system. The commission may remove a segment of the state highway system that it determines is not needed for the system. In planning and making policies, the commission shall consider, for incorporation into the state highway system, turnpikes that other governmental or private entities are authorized to construct.

(c) The commission biennially shall submit a report of its work to the governor and the legislature. The report must include the recommendations of the commission and of the director.

(d) ~~[(b)]~~ The director, under the direction and with the approval of the commission, shall prepare a comprehensive plan providing a system of state highways.

SECTION 2. Section 202.021, Transportation Code, is amended to read as follows:

Sec. 202.021. REAL PROPERTY NO LONGER NEEDED. (a) The commission may recommend to the governor the sale or transfer of any interest in real property, including a highway right-of-way, that:

(1) was acquired for a highway purpose; and

(2) as determined by the commission, is no longer needed for a state highway ~~[that]~~ purpose.

(b) Except as provided by Subsection (c), real property shall be transferred or sold with the following priorities:

(1) to a governmental entity with the authority to condemn the property; or

(2) to the general public.

(c) A highway right-of-way ~~[that is sold]~~ shall be transferred or sold with the following priorities:

(1) to a governmental entity with the authority to condemn the property;

(2) to abutting or adjoining landowners; or

(3) [~~(2)~~] to the general public.

(d) [~~(c)~~] The commission shall:

(1) determine the fair value of the state's interest in the real property; and

(2) if the value is \$10,000 or more, advise the governor of the value.

(e) The commission may waive payment for real property transferred to a governmental entity under this section if the estimated cost of future maintenance on the property equals or

1 exceeds the fair value of the property.

2 (f) Any revenue [~~(d) Revenue~~] from the sale of property
3 under this subchapter shall be deposited to the credit of the state
4 highway fund.

5 (g) [~~(e)~~] The governor may execute a deed conveying the
6 state's interest in the property.

7 (h) If the commission determines that the value of the real
8 property is less than \$10,000, it may authorize the executive
9 director to execute a deed conveying the state's interest in the
10 property without a recommendation to the governor.

11 SECTION 3. Section 202.030(a), Transportation Code, is
12 amended to read as follows:

13 (a) The attorney general must approve a transfer or
14 conveyance that is made under this subchapter if the value of the
15 real property transferred or conveyed is \$10,000 or more.

16 SECTION 4. Subchapter B, Chapter 202, Transportation Code,
17 is amended by adding Section 202.033 to read as follows:

18 Sec. 202.033. TRANSFER OF HISTORIC BRIDGE. (a) In this
19 section, "historic bridge" means a bridge that is included on or
20 eligible to be included on the National Register of Historic
21 Places.

22 (b) The department may transfer ownership of a historic
23 bridge scheduled for replacement to a governmental entity or a
24 responsible private entity. The entity that accepts ownership of
25 the bridge:

26 (1) assumes all legal and financial responsibility for
27 the bridge; and

1 (2) must maintain and preserve the bridge and its
2 historic features.

3 (c) The department may not transfer a bridge under this
4 section unless it first reviews the proposed recipient's intended
5 use of the bridge and determines that the bridge can be safely used
6 for that purpose.

7 (d) The following laws do not apply to a transfer under this
8 section:

9 (1) Chapter 2175, Government Code;

10 (2) Section 202.030(a); and

11 (3) Section 202.031.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2003.

H.B. No. 2377

President of the Senate

Speaker of the House

I certify that H.B. No. 2377 was passed by the House on May 6, 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. 2377 on May 28, 2003, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2377 was passed by the Senate, with amendments, on May 26, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor