

By: Hill (Senate Sponsor - Ogden) H.B. No. 2377
(In the Senate - Received from the House May 7, 2003;
May 9, 2003, read first time and referred to Committee on
Infrastructure Development and Security; May 22, 2003, reported
favorably by the following vote: Yeas 7, Nays 0; May 22, 2003, sent
to printer.)

A BILL TO BE ENTITLED
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
exceeds the fair value of the property.

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

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

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

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

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

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

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

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

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

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

(c) The following laws do not apply to a transfer under this section:

(1) Chapter 2175, Government Code;

(2) Section 202.030(a); and

(3) Section 202.031.

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

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