

By: Shapiro, Ratliff

S.B. No. 361

A BILL TO BE ENTITLED

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AN ACT

relating to the precedence of certain municipal highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.

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

SECTION 1. Section 203.032, Transportation Code, is amended to read as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Except as provided by Subsection (b), an [An] order of the commission under Section 203.031 supersedes a conflicting rule or ordinance of a state agency or subdivision of this state or any county or municipality, including a home-rule municipality.

(b) An order of the commission under Section 203.031(a)(2) or (4) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, unless the United States Department of Transportation Federal Highway Administration notifies the department that enforcement of the municipal rule or ordinance would impair the ability of the state or the department to receive funds for highway construction or maintenance from the federal government.

(c) Subsection (b) does not apply when the department owns the access rights.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 361 as follows:

(1) In Section 1 of the bill, in amended Section 203.032(a), Transportation Code (engrossed version, page 1, line 9), strike "Subsection (b)" and substitute "Subsections (b) and (d)".

(2) In Section 1 of the bill, in added Section 203.032(c), Transportation Code (engrossed version, on page 1, line 22), between "rights" and the period, insert "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 without frontage roads that would otherwise allow access, unless preexisting abutters' rights of access to an existing roadway are impacted".

(3) In Section 1 of the bill, in amended Section 203.032, Transportation Code (engrossed version, page 1, between lines 22 and 23), insert the following:

(d) Unless the United States Department of Transportation Federal Highway Administration notifies the department that enforcement of the rule or ordinance would impair the ability of this state or the department to receive funds for highway construction or maintenance from the federal government, an order of the commission under Section 203.031 does not supersede a conflicting highway access rule or ordinance of:

(1) the commissioners court of a county:

(A) with a population of 3.3 million or more; or

(B) that is adjacent to a county with a population of 3.3 million or more; or

1 (2) the governing body of a municipality located in a
2 county:

3 (A) with a population of 3.3 million or more; or

4 (B) that is adjacent to a county with a
5 population of 3.3 million or more.

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