

By: Lindsay

S.B. No. 1782

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the precedence of highway access rules and ordinances
3 of certain counties and municipalities over highway access
4 management orders of the Texas Transportation Commission.

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

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

8 Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) An
9 order of the commission under Section 203.031 supersedes a
10 conflicting rule or ordinance of a state agency or subdivision of
11 this state or any county or municipality, including a home-rule
12 municipality.

13 (b) Notwithstanding Subsection (a), the commission may not
14 adopt or enforce an order under Section 203.031 that:

15 (1) is applicable to a highway located in a county with
16 a population of 3.3 million or more or in a county adjacent to a
17 county with a population of 3.3 million or more and inconsistent
18 with a highway access rule or ordinance adopted by the
19 commissioners court of the county; or

20 (2) is applicable to a highway located in a
21 municipality in a county described by Subdivision (1) and
22 inconsistent with a highway access rule or ordinance adopted by the
23 governing body of the municipality.

24 (c) An order of the commission under Section 203.031(a)(2)

1 or (4) does not supersede a conflicting rule or ordinance of a
2 municipality, including a home-rule municipality, or a county,
3 unless the United States Department of Transportation Federal
4 Highway Administration notifies the department that enforcement of
5 the municipality or county rule or ordinance would impair the
6 ability of the state or the department to receive funds for highway
7 construction or maintenance from the federal government. In
8 addition, Subsection (b) does not apply if the United States
9 Department of Transportation Federal Highway Administration
10 notifies the department that enforcement of the municipality or
11 county rule or ordinance would impair the ability of the state or
12 the department to receive funds for highway construction or
13 maintenance from the federal government.

14 (d) Subsection (b) does not apply when the department owns
15 the access rights by having specifically acquired abutters' rights
16 of access from the adjacent property owner, by specific deed
17 language so indicated, or when constructing limited access toll
18 roads and parkways, built without frontage roads that would
19 otherwise allow access, unless preexisting abutters' rights of
20 access to an existing roadway are impacted.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2003.