

AN ACT

relating to the precedence of highway access rules and ordinances of certain counties and municipalities 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) 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) Notwithstanding Subsection (a), the commission may not adopt or enforce an order under Section 203.031 that:

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

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

(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.
8 Subsection (b) does not apply if the United States Department of
9 Transportation Federal Highway Administration notifies the
10 department that enforcement of the municipality or county rule or
11 ordinance would impair the ability of the state or the department to
12 receive funds for highway construction or maintenance from the
13 federal government.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1782 passed the Senate on May 6, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 31, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1782 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting; May 31, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor