

By: Lindsay

S.B. No. 1782

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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. 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.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 1782 Senate Engrossment as follows:

On line page 2, lines 14 through 20, delete the current Subsection (d) and substitute the following new Subsection (d) to read as follows:

(d) Subsection (b) does not apply when:

(1) the department owns the access rights under Section 203.034; or

(2) the adjacent property owner does not own the abutter's rights of access.

Krusee