

1-1 By: Lindsay S.B. No. 1782
1-2 (In the Senate - Filed March 14, 2003; March 24, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; April 28, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 28, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1782 By: Lindsay

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the precedence of highway access rules and ordinances
1-11 of certain counties and municipalities over highway access
1-12 management orders of the Texas Transportation Commission.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 203.032, Transportation Code, is amended
1-15 to read as follows:

1-16 Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) An
1-17 order of the commission under Section 203.031 supersedes a
1-18 conflicting rule or ordinance of a state agency or subdivision of
1-19 this state or any county or municipality, including a home-rule
1-20 municipality.

1-21 (b) Notwithstanding Subsection (a), the commission may not
1-22 adopt or enforce an order under Section 203.031 that:

1-23 (1) is applicable to a highway located in a county with
1-24 a population of 3.3 million or more or in a county adjacent to a
1-25 county with a population of 3.3 million or more and inconsistent
1-26 with a highway access rule or ordinance adopted by the
1-27 commissioners court of the county; or

1-28 (2) is applicable to a highway located in a
1-29 municipality in a county described by Subdivision (1) and
1-30 inconsistent with a highway access rule or ordinance adopted by the
1-31 governing body of the municipality.

1-32 (c) An order of the commission under Section 203.031(a)(2)
1-33 or (4) does not supersede a conflicting rule or ordinance of a
1-34 municipality, including a home-rule municipality, or a county,
1-35 unless the United States Department of Transportation Federal
1-36 Highway Administration notifies the department that enforcement of
1-37 the municipality or county rule or ordinance would impair the
1-38 ability of the state or the department to receive funds for highway
1-39 construction or maintenance from the federal government. In
1-40 addition, Subsection (b) does not apply if the United States
1-41 Department of Transportation Federal Highway Administration
1-42 notifies the department that enforcement of the municipality or
1-43 county rule or ordinance would impair the ability of the state or
1-44 the department to receive funds for highway construction or
1-45 maintenance from the federal government.

1-46 (d) Subsection (b) does not apply when the department owns
1-47 the access rights by having specifically acquired abutters' rights
1-48 of access from the adjacent property owner, by specific deed
1-49 language so indicated, or when constructing limited access toll
1-50 roads and parkways, built without frontage roads that would
1-51 otherwise allow access, unless preexisting abutters' rights of
1-52 access to an existing roadway are impacted.

1-53 SECTION 2. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2003.

1-58 * * * * *