

BILL ANALYSIS

H.B. 348
By: Chisum
County Affairs
Committee Report (Unammended)

BACKGROUND AND PURPOSE

The Texas Transportation Code allows persons and neighborhood associations to erect a gate across certain neighborhood and third-class roads. Since the time this code was enacted, these roads have seen more motor vehicle traffic. Several problems have come to light recently: farm machinery is larger now and needs more clearance room. The gates sometimes prohibit the moving of farm machinery in a farming community. The gates also cause unnecessary delay to emergency vehicles. Emergency personnel must stop their vehicle, exit the vehicle, open the gate, get back in the vehicle, drive through the gate, and then get out and close the gate, or be guilty of an offense.

The placing of these gates and refusal to move them has led to frequent litigation by counties seeking removal of these gates. H.B. 348 will rectify the situation by requiring the approval of the commissioners court of a county before a gate can be erected.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 251.010, Transportation Code, by adding Subsection (e) which prohibits a person from erecting a gate under Section 251.010, unless the gate is approved by the commissioners court of the county.

SECTION 2. Effective Date

EFFECTIVE DATE

September 1, 2005