

BILL ANALYSIS

C.S.H.B. 1610
By: Chisum
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Counties are responsible for the maintenance and repair of roads under their jurisdiction. When a person or other entity cuts a county road to lay a pipeline or other line or repair those lines they are responsible to repair the cut or pay the county for the repair. However, these repairs weaken the road which results in a higher maintenance cost to the county with no opportunity to recapture that expense.

C.S.H.B. 1610 allows a county to charge a fee of no more than \$500 for any person or entity, other than a person or entity that has entered into an agreement with the county or a utility subject to Chapter 181, Utilities Code, to be able to cut a county road.

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 Subchapter Z, Chapter 240, Local Government Code, by adding Section 240.907, which provides that in this section, a cut of a county road means the act of excavating or cutting the surface of a county road. Authorizes a county to impose a fee on a person or other entity for each cut of a county road during or as an incident to the installation, maintenance, or repair of any facilities or properties of the person or entity, in order to provide funds for future inspection, repair, and maintenance of a cut road. The fee may not exceed \$500; may be imposed before or after the cutting of the road; and is in addition to any other charge the county is authorized to impose to repair damage to the road because of the cut. This does not apply in relation to a person or other entity that has entered into an agreement with the county that provides for fees to be paid by the person or entity for the use of the county roads; or is a utility that is not required under Chapter 181, Utilities Code, to provide notice to a commissioners court.

The owner or operator of a natural casinghead gas pipeline is required to prepare a map that clearly identifies all connections in the county to existing wells from which natural or casinghead gas is gathered or transported and the delivery points in the county for all gas pipeline facilities, in order to minimize the costs associated with inspection, repair, and maintenance of a cut of a county road. The map must be filed with the county clerk of the county, and be in a format specified by the clerk to minimize costs.

SECTION 2. A fee imposed under Section 240.907, Local Government Code, as added by this Act, applies only to a cutting of a county road that occurs on or after the effective date of this Act.

SECTION 3. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1610 79(R)

The substitute amends Chapter 240, Local Government Code. The original amended Chapter 251, Transportation Code. The original bill stipulated that a cut of a county road "includes any action that excavates, damages, or otherwise disturbs the surface of a county road." The substitute defines "a cut of a county road" to mean "the act of excavating or cutting the surface of a county road."

The substitute adds a subsection not in the original that requires pipeline owners to file a map showing the clear identification of all connections to existing wells as well as delivery points within the county.

The substitute adds a stipulation that the section does not apply to a "utility subject to Chapter 181, Utilities Code, that makes a cut for which notice is not required under that chapter."