

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2921
By: Pitts (Averitt)
Transportation & Homeland Security
5/11/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, if a railroad company and the owner of property cannot reach an agreement in a real estate transaction involving the building, operation, or running of the railroad, the railroad has the authority to condemn the disputed property in order to progress with various goals.

C.S.H.B. 2921 exempts residential zoned property from the condemnation power granted to railroad companies unless the condemned property's use conforms to the city zoning restrictions. C.S.H.B. 2921 only applies to a terminal switching railroad handling fewer than 10,000 but more than 3,000 carloads in a year that operates in a single county with a population of 110,000 or less that is not adjacent to the Texas boarder.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 6, Title 112, Revised Statutes, by adding Article 6336a, as follows:

Art. 6336A. [sic] LOCAL REGULATIONS OF RESIDENTIAL PROPERTY. Provides that this article only applies to the condemnation of property for a terminal switching railroad handling fewer than 10,000 but more than 3,000 carloads a year that operates in a single county with a population of 110,000 or more that is not adjacent to the Texas border and does not contain a portion of a national forest. Provides that the power to condemn property given to a railroad company under this title, including Articles 6316a (Right to construct spur tracks), 6336 (When corporation and owner disagree), and 6351 (Eminent domain), does not apply to certain property unless specific circumstances exist.

SECTION 2. Effective date: upon passage or September 1, 2005.