

By: Rose

H.B. No. 2225

A BILL TO BE ENTITLED

AN ACT

relating to requiring the Texas Department of Transportation to establish a temporary commercial driveway permit program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Transportation Code, is amended by adding Section 250.002 to read as follows:

Sec. 250.002. TEMPORARY COMMERCIAL DRIVEWAY PERMITS FOR CERTAIN RETAIL SALE LOCATIONS. (a) The department by rule shall establish a permit program under which a person who holds a permit issued by another department or agency of this state authorizing the permit holder to conduct retail sales at a location adjacent to a highway that is part of the state highway system may be issued a temporary commercial driveway permit that provides vehicular traffic ingress to and egress from the highway at that location.

(b) Rules adopted under this section may include:

(1) provisions the department determines are necessary or desirable to protect the department and, at the site of the applicant's proposed location, the highway, the public, affected utility companies, and users of the highway;

(2) construction, maintenance, operation, inspection, and restoration requirements; and

(3) provisions that limit eligibility for a permit only to a person:

(A) who owns the underlying fee title to the real

1 property; or

2 (B) who holds a lease on the property from or has
3 written permission to use the property from an owner of the
4 underlying fee title to the real property.

5 (c) A permit issued under this section expires on the 30th
6 day after the date of issuance.

7 (d) The department may not:

8 (1) issue a person more than two permits for the same
9 location in the same calendar year; or

10 (2) authorize a commercial driveway for which a permit
11 is issued to be more than 45 feet in width.

12 (e) This section does not:

13 (1) require the department to issue a permit if the
14 department determines that a proposed commercial driveway or the
15 location of a proposed driveway would create a hazardous condition
16 or present a danger to users of the highway; or

17 (2) limit or impair the authority of the department to
18 abate an unlawful obstruction or a dangerous condition on a highway
19 or highway right-of-way that is under the jurisdiction of the
20 department.

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, 2005.