

1-1 By: Pitts (Senate Sponsor - Averitt) H.B. No. 2921  
1-2 (In the Senate - Received from the House April 18, 2005;  
1-3 April 19, 2005, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 11, 2005, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 7, Nays 0; May 11, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2921 By: Barrientos

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

1-10 relating to the condemnation of certain property for railroad  
1-11 purposes.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 6, Title 112, Revised Statutes, is  
1-14 amended by adding Article 6336a to read as follows:

1-15 Art. 6336a. LOCAL REGULATIONS OF RESIDENTIAL PROPERTY. (a)  
1-16 This article applies only to the condemnation of property for a  
1-17 terminal switching railroad handling fewer than 10,000 but more  
1-18 than 3,000 carloads a year that operates in a single county with a  
1-19 population of 110,000 or more that is not adjacent to the Texas  
1-20 border and does not contain a portion of a national forest.

1-21 (b) The power to condemn property given to a railroad  
1-22 company under this title, including Articles 6316a, 6336, and 6351,  
1-23 does not apply to any property used for or designated under local  
1-24 zoning regulations for residential use unless the use of the  
1-25 condemned property is authorized under or in conformity with local  
1-26 zoning or development regulations.

1-27 SECTION 2. This Act takes effect immediately if it receives  
1-28 a vote of two-thirds of all the members elected to each house, as  
1-29 provided by Section 39, Article III, Texas Constitution. If this  
1-30 Act does not receive the vote necessary for immediate effect, this  
1-31 Act takes effect September 1, 2005.

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