

By: Murphy

H.B. No. 2268

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain acquisitions of real property by the Texas  
3 Department of Transportation for highway purposes.

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

5 SECTION 1. Section 202.112, Transportation Code, is amended  
6 by amending Subsection (a) and adding Subsection (e) to read as  
7 follows:

8 (a) The commission may purchase an interest in real  
9 property, including a fee title, an easement, or a leasehold, or an  
10 option to acquire a fee title or a lesser interest in real property  
11 that is identified for possible use in or in connection with a  
12 transportation facility, including a facility as defined by Section  
13 227.001, before a final decision has been made as to whether the  
14 transportation facility will be located on that property.

15 (e) Section 201.604 does not apply to an acquisition under  
16 this section. The commission by rule shall provide for the  
17 department's environmental review of the specific property to be  
18 acquired in advance of completion of the environmental review for  
19 the planned transportation project.

20 SECTION 2. Section 227.041(a), Transportation Code, is  
21 amended to read as follows:

22 (a) Except as otherwise provided by this subchapter, the  
23 commission has the same powers and duties relating to the  
24 condemnation and acquisition of real property for a facility of the

1 Trans-Texas Corridor that the commission and the department have  
2 relating to the condemnation or purchase of real property under  
3 Subchapter D, Chapter 203, for a toll project. [~~The commission may  
4 purchase an option to purchase property, other than real property,  
5 a property right, or a right-of-way used for a public utility  
6 facility, that the commission is considering for possible use as  
7 part of the Trans-Texas Corridor even if it has not been finally  
8 decided that the Trans-Texas Corridor will be located on that  
9 property. An option to purchase may be purchased along alternative  
10 potential routes for the Trans-Texas Corridor even if only one of  
11 those potential routes will be selected as the final route.~~]

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.