

1-1 By: Hegar S.B. No. 1711
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 2, 2007, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; April 2, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to access to the state highway system and damages for
1-9 diminished access to the state highway system.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b-1), Section 203.0521,
1-12 Transportation Code, is repealed.

1-13 SECTION 2. Subsection (e), Section 21.042, Property Code,
1-14 is amended to read as follows:

1-15 (e) If a portion of a tract or parcel of real property is
1-16 condemned for the use, construction, operation, or maintenance of
1-17 the state highway system or of a county toll project described by
1-18 Chapter 284, Transportation Code, that is eligible for designation
1-19 as part of the state highway system, the special commissioners
1-20 shall consider any diminished access to the highway and to or from
1-21 the remaining property to the extent that it affects the present
1-22 market value of the real property, including any factors considered
1-23 when determining actual fair market value of property for ad
1-24 valorem tax purposes [~~or for the use, construction, development,~~
1-25 ~~operation, or maintenance of an improvement or project by a~~
1-26 ~~metropolitan rapid transit authority created before January 1,~~
1-27 ~~1980, with a principal municipality having a population of less~~
1-28 ~~than 1.9 million and established under Chapter 451, Transportation~~
1-29 ~~Code, the special commissioners shall determine the damage to the~~
1-30 ~~property owner regardless of whether the property owner makes a~~
1-31 ~~claim for damages to the remaining property. In awarding~~
1-32 ~~compensation or assessing the damages, the special commissioners~~
1-33 ~~shall consider any special and direct benefits that arise from the~~
1-34 ~~highway improvement or the transit authority improvement or project~~
1-35 ~~that are peculiar to the property owner and that relate to the~~
1-36 ~~property owner's ownership, use, or enjoyment of the particular~~
1-37 ~~parcel of remaining real property].~~

1-38 SECTION 3. Section 203.034, Transportation Code, is amended
1-39 to read as follows:

1-40 Sec. 203.034. RIGHT TO ACCESS; DAMAGES FOR DENIAL OF
1-41 ACCESS. (a) An owner of real property adjoining a new controlled
1-42 access highway location is not entitled to access to the new highway
1-43 location as a matter of right.

1-44 (b) In a county with a population of less than 50,000,
1-45 access shall be provided at intervals not to exceed five miles
1-46 [Denial of access to or from a new controlled access highway
1-47 location is not a ground for special or exemplary damages unless:

1-48 (1) in connection with the purchase or condemnation
1-49 of the real property adjoining the new controlled access highway
1-50 location and to be used in the new highway location, the commission
1-51 specifically authorizes access to or from particular real property
1-52 adjoining the new highway location; and

1-53 (2) the commission denies highway access to or from
1-54 the particular land where the real property adjoins the new
1-55 highway].

1-56 (c) Damages for loss of access or diminished access shall be
1-57 considered by the special commissioners in a condemnation hearing
1-58 to the extent that it affects the present market value of the real
1-59 property, including any factors considered when determining actual
1-60 fair market value of property for ad valorem tax purposes.

1-61 SECTION 4. This Act takes effect September 1, 2007.

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