

## **BILL ANALYSIS**

C.S.H.B. 2693  
By: Rodriguez  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Although several U.S. Supreme Court cases have found that, under certain circumstances, a county has the authority to assess impact fees on new developments, there is currently no state legislation that clearly provides this authority. New developments create an additional burden on certain roadways, the full cost of which is placed on a county. A county does not have the funds to implement all of the necessary roadway improvements and needs the ability to collect a fee from new developments for these improvements. This legislation seeks to provide Travis County with clear legislative authority to assess impact fees on new developments that pass a two-part test of having a direct connection with and being roughly proportional to a development's anticipated impact on certain roadways.

C.S.H.B. 2693 authorizes a county to impose impact fees for roadway facilities required by new development. The bill includes an arterial street serving a subdivision in a county with a population of 800,000 or more and that is located over a portion of the Edwards Aquifer in provisions authorizing counties to assess costs of road improvements against property owners in a subdivision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2693 amends the Local Government Code to authorize a county with a population greater than 800,000 and that is located over a portion of the Barton Springs segment of the Edwards Aquifer to enact or impose impact fees on land in unincorporated areas of the county for roadway facilities only by complying with provisions of the Local Government Code relating to financing capital improvements required by new development in a political subdivision. The bill makes conforming changes to the definition of "political subdivision."

C.S.H.B. 2693 amends the Transportation Code to expand the applicability of provisions relating to county improvement of subdivision roads to include an arterial street that serves a subdivision in a county with a population of 800,000 or more and that is located over a portion of the Edwards Aquifer. The bill requires that the portion of the costs assessed against the property owners for improvements to an arterial street be roughly proportional to the subdivision's anticipated impact on the street. The bill defines "arterial street" to mean a street designed to carry high volumes of through traffic. The bill modifies the definition of "improvement" to include reconstruction, rather than repair.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2693 differs from the original by making its Local Government Code provisions applicable to a county with a population greater than 800,000 and that is located over a portion of the Barton Springs segment of the Edwards Aquifer. The substitute differs from the original in nonsubstantive ways reflecting certain drafting conventions.