

BILL ANALYSIS

C.S.H.B. 3403
By: King, Phil
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Barnett Shale is one of the busiest natural gas fields in the world. This flurry of drilling has created many instances of drilling in populated areas. Drilling often occurs in unincorporated, heavily populated residential areas, resulting in a large increase in commercial truck traffic in such areas and creating potentially dangerous situations.

C.S.H.B. 3403 prohibits a commercial motor vehicle from driving through a platted subdivision in the corporate limits of a municipality or the unincorporated area of a county located in the Barnett Shale gas field unless the vehicle is transporting persons or property to or from the subdivision, performing work in the subdivision, owned or leased by a resident or commercial establishment in the subdivision, or accessing an oil or gas well that had no alternative means of access but through the 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. 3403 amends the Transportation Code to add provisions that apply only to a county in which a part of the Barnett Shale natural gas field is known to be located. The bill prohibits a person from operating a commercial motor vehicle on a highway or street that is located in a residential subdivision, that is maintained by the municipality or county, as applicable, and for which signs are posted stating the prohibition. The bill creates an exception to the prohibition for a commercial motor vehicle being operated that is at the time transporting persons or property to or from the residential subdivision or performing work in the subdivision; that is owned or leased by a commercial establishment located in the residential subdivision and operated in connection with that establishment; that is owned or leased by a person who owns or occupies a residence in the subdivision and operated by that person; or that is accessing an oil or gas well that had no other alternative means of access but through the subdivision.

C.S.H.B. 3403 authorizes residents of a residential subdivision to petition, as applicable, the governing body of the municipality or the commissioners court of the county in which the subdivision is located for the posting of signs prohibiting the operation of a commercial vehicle in the subdivision. The bill requires the petition to be signed by at least 25 percent of the owners or occupants of residences in the subdivision and specifies that not more than one person for each residence is authorized to sign the petition and each person signing must be at least 18 years of age. The bill requires the governing body or commissioners court, as applicable, to order the signs posted promptly after the filing of a valid petition.

C.S.H.B. 3403 requires each sign required by these provisions to be posted at each entrance of the subdivision through which a commercial motor vehicle may enter the subdivision or in the subdivision if there is not a defined entrance to the subdivision and to state, in letters at least two

inches in height, that operation of a commercial motor vehicle is prohibited in the subdivision. The bill authorizes the governing body of a municipality or the commissioners court that receives a petition to condition the posting of the signs on payment by the residents of the subdivision of the cost of providing the signs. The bill specifies that, for the purposes of these provisions, contiguous subdivisions that are developed by the same entity or a successor to that entity and that are given the same public name or a variation of the same public name are considered to be one subdivision. The bill provides that separation of one such subdivision from another by a highway or street, stream, greenbelt, or similar barrier does not make the subdivisions noncontiguous. The bill defines "commercial motor vehicle" and "residential subdivision."

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3403 adds a provision not in the original to make its provisions apply only to a county in which a part of the Barnett Shale natural gas field is known to be located. The substitute makes its provisions applicable to a residential subdivision in the corporate limits of a municipality or the unincorporated area of a county, rather than only the unincorporated area of a county as in the original. The substitute adds a provision not in the original exempting a commercial motor vehicle accessing an oil or gas well that has no alternative means of access but through the subdivision from the prohibition against the operation of a commercial motor vehicle on a highway or street that is located in a residential subdivision.