

BILL ANALYSIS

Senate Research Center
81R7577 SLB-F

S.B. 1059
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Agriculture & Rural Affairs
3/17/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Chapter 251 (General County Authority Relating to Roads and Bridges), Transportation Code, includes sections relating to the construction, replacement, and repair of cattle guards on county roads. There are no statutes relating to the removal of cattle guards.

As proposed, S.B. 1059 amends Chapter 251, Transportation Code, by adding Section 251.0096 (Removal of Cattle Guards from County Roads) to include provisions for the removal of cattle guards on a county road. S.B. 1059 requires a 90-day notice by mail to any landowner affected by the removal of a cattle guard, allowing the affected landowner time to prepare for such a removal. The bill also gives citizens of the county the option to request a public hearing through the commissioners court concerning the removal of a cattle guard, giving landowners an opportunity to discuss the removal in a formal setting.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 251, Transportation Code, by adding Section 251.0096, as follows:

Sec. 251.0096. REMOVAL OF CATTLE GUARDS FROM COUNTY ROADS. (a) Authorizes the commissioners court of a county to remove a cattle guard from a county road of any class if the commissioners court notifies each affected landowner by certified mail not less than 90 days before the proposed removal of the cattle guard.

(b) Provides that the commissioners court is not required to hold a public hearing on a proposed cattle guard removal. Requires the commissioners court, if a resident of the county requests a public hearing, to hold a public hearing on the removal of the cattle guard. Requires that a request for a public hearing, to be valid, be made in writing and be made before the 75th day after the date the notice required by Subsection (a) is mailed.

SECTION 2. Effective date: September 1, 2009.