

By: Gutierrez

H.B. No. 155

A BILL TO BE ENTITLED

1 AN ACT

2 relating to access to rivers and riverbeds for individuals with  
3 physical impairments.

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

5 SECTION 1. Section 90.003(a), Parks and Wildlife Code, is  
6 amended to read as follows:

7 (a) Section 90.002 does not apply to:

8 (1) a state, county, or municipal road right-of-way;

9 (2) a private road crossing established on or before  
10 December 31, 2003; or

11 (3) operation of a motor vehicle by:

12 (A) a federal, state, or local government  
13 employee if operation of a motor vehicle is necessary for  
14 conducting official business;

15 (B) a person if operation of a motor vehicle is  
16 necessary for reasonable purposes related to usual and customary  
17 agricultural activities;

18 (C) a person if operation of a motor vehicle is  
19 necessary to and is authorized by a mineral lease;

20 (D) a person if operation of a motor vehicle is  
21 necessary to and authorized by a crossing easement granted by the  
22 General Land Office under the Natural Resources Code;

23 (E) a person if operation of a motor vehicle is  
24 necessary to an activity authorized by Chapter 86;

1 (F) a person in response to an emergency;

2 (G) a person if operation of a motor vehicle is  
3 necessary for the lawful construction, operation, or maintenance of  
4 equipment, facilities, or structures used for:

5 (i) the production, transportation,  
6 transmission, or distribution of electric power;

7 (ii) the provision of telecommunications  
8 services or other services delivered through a cable system;

9 (iii) the transportation of aggregates,  
10 oil, natural gas, coal, or any product of oil, natural gas, or coal;

11 (iv) the production, treatment, or  
12 transportation of water or wastewater; or

13 (v) dredge material disposal placement;

14 (H) an owner of the uplands adjacent to a  
15 protected freshwater area, the owner's agent, lessee, sublessee, or  
16 the lessee or sublessee's agent, representative, licensee,  
17 invitee, or guest for reasonable purposes related to usual and  
18 customary operation of:

19 (i) a camp regulated under Chapter 141,  
20 Health and Safety Code; or

21 (ii) a retreat facility owned and operated  
22 by a nonprofit corporation chartered under the laws of this state  
23 before January 1, 1970; [~~or~~]

24 (I) an owner of the adjacent uplands on both  
25 sides of a protected freshwater area and the owner's agents,  
26 employees, representatives, and lessees only for the purpose of  
27 accessing the owner's property on the opposite side of the

1 protected freshwater area when no reasonable alternate access is  
2 available; or

3 (J) an individual who has a physical impairment  
4 that substantially limits one or more of the major life activities  
5 of the individual.

6 SECTION 2. This Act takes effect September 1, 2009.