

AN ACT

relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

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

SECTION 1. Section 61.017, Natural Resources Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) In an area of public beach where a shore protection structure constructed as provided by Section 61.022(a)(6) interrupts the natural line of vegetation for a distance of at least 1,000 feet, the line of vegetation is along the seaward side of the shore protection structure for the distance marked by that structure. A line of vegetation established under this subsection is the landward boundary of the public beach and of the public easement for all purposes, provided that before or concurrently with the construction of the structure:

(1) a perpetual easement has been granted in favor of the public affording pedestrian, noncommercial use along and over the entire length of the structure and an adjacent sidewalk by the general public; and

(2) the subdivision that constructed the shore protection structure has provided a public parking area of sufficient acreage to provide at least one parking space for each 15 linear feet of the structure, located so that ingress and egress

1 ways are not more than one-half mile apart.

2 (f) Before a subdivision of this state begins construction
3 of a shore protection structure described by Subsection (e), the
4 subdivision must conduct and obtain the commissioner's approval of
5 a coastal boundary survey under Section 33.136. The state retains
6 fee title to all land described by Section 11.012 that is occupied
7 by or affected by the placement of the structure.

8 SECTION 2. Section 61.022, Natural Resources Code, is
9 amended by amending Subsection (a) and adding Subsection (a-1) to
10 read as follows:

11 (a) The provisions of this subchapter do not prevent any of
12 the following governmental entities from erecting or maintaining
13 any groin, seawall, barrier, pass, channel, jetty, or other
14 structure as an aid to navigation, protection of the shore,
15 fishing, safety, or other lawful purpose authorized by the
16 constitution or laws of this state or the United States:

17 (1) an agency, department, institution, subdivision,
18 or instrumentality of the federal government;

19 (2) an agency, department, institution, or
20 instrumentality of this state;

21 (3) a county;

22 (4) a municipality; ~~or~~

23 (5) a subdivision of this state, other than a county or
24 municipality, acting in partnership with the county or municipality
25 in which the structure is located; or

26 (6) a subdivision of this state, acting with the
27 approval of the commissioner, if the structure is a shore

1 protection structure that:

2 (A) is designed to protect public
3 infrastructure, including a state or county highway or bridge;

4 (B) is located on land that:

5 (i) is state-owned submerged land or was
6 acquired for the project by a subdivision of this state; and

7 (ii) is located in or adjacent to the mouth
8 of a natural inlet from the Gulf of Mexico; and

9 (C) extends at least 1,000 feet along the
10 shoreline.

11 (a-1) In granting approval of a shore protection structure
12 under Subsection (a)(6) of this section, the commissioner may
13 specify requirements for the design and location of the structure
14 or any public parking area required by Section 61.017(e).

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1445 was passed by the House on April 21, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1445 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor