

By: Rodriguez

H.B. No. 2693

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to assess certain costs for roadway improvements.

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

SECTION 1. Section 395.001(7), Local Government Code, is amended to read as follows:

(7) "Political subdivision" means:

(A) a municipality;

(B) [ ] a district or authority created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution;

(C) [~~or~~] for the purposes set forth by Section 395.079, certain counties described by that section; or

(D) for the purposes set forth by Section 395.011(d), a county.

SECTION 2. Section 395.011, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) A county may enact or impose impact fees on land in unincorporated areas of the county for roadway facilities only by complying with this chapter.

SECTION 3. Section 253.001, Transportation Code, is amended to read as follows:

Sec. 253.001. APPLICABILITY. This chapter applies only to:

(1) a subdivision, part of a subdivision, or an access

1 road; or

2 (2) an arterial street that serves a subdivision in a  
3 county:

4 (A) with a population of 800,000 or more; and

5 (B) that contains a portion of the Edwards  
6 Aquifer.

7 SECTION 4. Section 253.002, Transportation Code, is amended  
8 to read as follows:

9 Sec. 253.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

10 (1) "Arterial street" means a street designed to carry  
11 high volumes of through traffic.

12 (2) "Improvement" [,~~"improvement"~~] means  
13 construction or reconstruction [~~repair~~].

14 SECTION 5. Section 253.003, Transportation Code, is amended  
15 to read as follows:

16 Sec. 253.003. PROPOSAL FOR COUNTY IMPROVEMENT OF  
17 SUBDIVISION ROADS AND ASSESSMENT OF COSTS. (a) If the  
18 commissioners court of a county determines that the improvement of  
19 a road in a subdivision or of an access road or arterial street  
20 servicing [~~to~~] a subdivision is necessary for the public health,  
21 safety, or welfare of the residents of the county, the  
22 commissioners court may propose to:

23 (1) improve the road or street to comply with county  
24 standards for roads; and

25 (2) assess all or part of the costs of the improvement  
26 pro rata against the record owners of the real property of the  
27 subdivision or a defined part of the subdivision.

1       (b) The portion of the costs assessed against the property  
2 owners under Subsection (a)(2) for improvements to an arterial  
3 street must be roughly proportional to the subdivision's  
4 anticipated impact on the street.

5       SECTION 6. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2009.