

BILL ANALYSIS

H.B. 1738
By: Isaac
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that while revising state law relating to eminent domain, the legislature added certain reversion provisions to state highway right-of-way deed transfer procedures. These parties note that these provisions prevent transportation rights-of-way from being used for any purpose other than public transportation. Unfortunately, the parties explain, the legislature failed to envision a situation where public transportation could be improved by swapping old, unsafe, and inefficient rights-of-way for improved rights-of-way. H.B. 1738 seeks to remedy this situation by allowing for the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1738 amends the Transportation Code to authorize a municipality that has received a grant of highway right-of-way from the Texas Department of Transportation (TxDOT) that is subject to a reservation requiring immediate and automatic reversion to the state because the property ceased being used for public road purposes to enter into an agreement with TxDOT, with approval of the municipality's governing body after a public hearing, under which the following conditions exist: TxDOT agrees to recommend to the governor that an instrument releasing the reservation be executed and, if executed, to record the instrument in the deed records of the county in which the right-of-way is located; and the municipality, if the instrument releasing the reservation is executed, agrees to transfer the right-of-way to one or more landowners in exchange for real property with a value that is equal to or greater than the value of the right-of-way, agrees to use the acquired real property for public road purposes, and agrees to execute and record in the deed records of the county in which the acquired real property is located a restrictive covenant that grants the real property to the state if the real property ceases to be used for public road purposes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.