

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Harless

H.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

relating to the closing, abandoning, and vacating of a public road by a county; authorizing the imposition of a fee.

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

SECTION 1. Section 251.058, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(b) Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. A copy of the order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. The order shall:

(1) include the name of each property owner who receives a conveyance under this section;

(2) include the dimensions of the property being conveyed to each property owner; ~~and~~

(3) be indexed in the deed records of the county in a manner that describes:

(A) the county conveying the property as grantor;  
and

(B) the property owner receiving the conveyance

1 as grantee; and

2 (4) if a public utility or common carrier that has the  
3 right of eminent domain is using the property being conveyed for a  
4 right-of-way or easement purpose, state that the title to the  
5 property is subject to the right-of-way or easement and the  
6 continued use by the public utility or common carrier of utility  
7 infrastructure in existence on the date the order is signed.

8 (b-1) Not later than the 30th day before the date an order is  
9 signed under Subsection (b), the commissioners court shall notify a  
10 public utility or common carrier described by Subsection (b)(4) of  
11 the proposal to close, abandon, and vacate the public road or  
12 portion of the public road.

13 (d) If a commissioners court closes, abandons, and vacates a  
14 public road or a portion of a public road at the request of an owner  
15 of property that abuts the portion of the road being closed,  
16 abandoned, and vacated, the commissioners court may require the  
17 owner to:

18 (1) pay all reasonable administrative costs incurred  
19 for processing the request and recording the order described by  
20 Subsection (b) in the county deed records; and

21 (2) reimburse the county for the market value of any  
22 property interest conveyed to the owner.

23 (e) A county by order of the commissioners court may adopt  
24 standard fees required to be paid under Subsection (d)(1) for  
25 processing a request and recording an order.

26 (f) For purposes of Subsection (b), "utility  
27 infrastructure" includes any facility owned by:

1           (1) an electric utility, as defined by Section 31.002,  
2 Utilities Code; or

3           (2) a gas utility, as defined by Section 101.003 or  
4 121.001, Utilities Code.

5           SECTION 2. The change in law made by this Act to Section  
6 251.058, Transportation Code, applies only to a request to close,  
7 abandon, and vacate a public road or a portion of a public road that  
8 is submitted to a commissioners court on or after the effective date  
9 of this Act. A request submitted to a commissioners court before the  
10 effective date of this Act is governed by the law in effect when the  
11 request was submitted, and the former law is continued in effect for  
12 that purpose.

13           SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2015.

# ADOPTED

MAY 21 2015

*Lotay Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Zaffrin*

1 Amend H.B. No. 1709 (senate committee printing) in SECTION 1  
2 of the bill as follows:

3 (1) In added Section 251.058(f)(1), Transportation Code  
4 (page 2, line 12), strike "or".

5 (2) In added Section 251.058(f)(2), Transportation Code  
6 (page 2, line 14), between "Code" and the underlined period, insert  
7 the following:

8 i

9 (3) a telecommunications provider, as defined by  
10 Section 51.002, Utilities Code; or

11 (4) a video service provider, as defined by Section  
12 66.002, Utilities Code

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1709** by Harless (Relating to the closing, abandoning, and vacating of a public road by a county; authorizing the imposition of a fee.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would permit a commissioners court to establish standard fees, to be paid by an owner of certain property, relating to the closing, abandonment or vacation of a public road. The bill would require a commissioners court to notify certain public utilities or common carriers of the proposal to close or vacate the public road.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SZ, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 6, 2015**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1709** by Harless (Relating to the closing, abandoning, and vacating of a public road by a county; authorizing the imposition of a fee.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would permit a commissioners court to establish standard fees, to be paid by an owner of certain property, relating to the closing, abandonment or vacation of a public road. The bill would require a commissioners court to notify certain public utilities or common carriers of utility infrastructure of the proposal to close or vacate the public road.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SZ, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 15, 2015**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1709** by Harless (Relating to the closing, abandoning, and vacating of a public road by a county; authorizing the imposition of a fee.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would permit a commissioners court to establish standard fees, to be paid by an owner of certain property, relating to the closing, abandonment or vacation of a public road. The bill would require a commissioners court to notify certain public utilities or common carriers of utility infrastructure of the proposal to close or vacate the public road.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 7, 2015**

**TO:** Honorable Garnet Coleman, Chair, House Committee on County Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1709** by Harless (Relating to the closing, abandoning, and vacating of a public road by a county; authorizing the imposition of a fee.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would permit a commissioners court to establish standard fees, to be paid by an owner of certain property, relating to the closing, abandonment or vacation of a public road.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KVe, SD, EK