

By: Wray

H.B. No. 2160

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of damages for certain condemnations by a high-speed rail company.

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

SECTION 1. Subchapter B, Chapter 112, Transportation Code, is amended by adding Section 112.0531 to read as follows:

Sec. 112.0531. DAMAGES IN CONDEMNATION PROCEEDING: HIGH-SPEED RAIL. (a) In this section, "high-speed rail company" means a private railroad company that creates, funds, develops, or operates a rail system capable of providing rail service operating at speeds greater than 100 miles per hour.

(b) In assessing damages for a condemnation by a high-speed rail company to which Section 21.042(c), Property Code, applies:

(1) Section 21.042(d), Property Code, does not apply;
and

(2) the special commissioners shall determine the damages to the property owner for:

(A) any denial or impairment of access to the property owner's remaining property; and

(B) any impairment of:

(i) the provision or routing of utilities, including water, electricity, or wastewater, to or on the property owner's remaining property; or

(ii) the placement or routing of municipal

1 utility infrastructure on the property owner's remaining property.

2 (c) The enactment of this section does not reflect a
3 determination by the legislature that a high-speed rail company has
4 eminent domain authority and does not constitute a grant of eminent
5 domain authority or a right to enter onto property.

6 SECTION 2. The change in law made by this Act applies only
7 to the assessment of damages in a condemnation proceeding commenced
8 on or after the effective date of this Act.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.