

By: Cook

H.B. No. 2179

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition and disposition of real property intended for high-speed rail projects.

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

SECTION 1. Section 112.002, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A railroad company may:

(1) sue, be sued, plead, and be impleaded in its corporate name;

(2) have and use a seal and alter the seal at will;

(3) receive and convey persons and property on its railway by any mechanical power, including the use of steam;

(4) regulate the time and manner in which, and the compensation for which, passengers and property are transported, subject to the provisions of law;

(5) except as provided by Subsection (c), exercise the power of eminent domain for the purposes prescribed by this subtitle or Subtitle D;

(6) purchase, hold, and use all property as necessary for the construction and use of its railway, stations, and other accommodations necessary to accomplish company objectives, and convey that property when no longer required for railway use; and

(7) take, hold, and use property granted to the

1 company to aid in the construction and use of its railway, and
2 convey that property in a manner consistent with the terms of the
3 grant when the property is no longer required for railway use.

4 (c) A private entity may not exercise the power of eminent
5 domain for the purpose of developing or operating a high-speed rail
6 project. In this section, "high-speed rail" means intercity
7 passenger service that is reasonably expected to reach speeds of at
8 least 110 miles per hour.

9 SECTION 2. Subchapter B, Chapter 112, Transportation Code,
10 is amended by adding Section 112.063 to read as follows:

11 Sec. 112.063. DISPOSITION OF REAL PROPERTY ACQUIRED FOR
12 HIGH-SPEED RAIL PROJECT. (a) In this section, "high-speed rail"
13 means intercity passenger service that is reasonably expected to
14 reach speeds of at least 110 miles per hour.

15 (b) A private entity that operates or plans to operate a
16 high-speed rail project and acquires real property for a high-speed
17 rail project through the threat of condemnation:

18 (1) may not use the property for any purpose other than
19 a high-speed rail project; and

20 (2) if the property is not used for a high-speed rail
21 project, may not convey the property to any person unless the former
22 property owner is given notice and opportunity to repurchase the
23 property.

24 SECTION 3. Section 112.063, Transportation Code, as added
25 by this Act, applies only to real property acquired on or after
26 September 1, 2017.

27 SECTION 4. This Act takes effect September 1, 2017.