

By: Birdwell, Creighton

S.B. No. 659

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subchapter B, Chapter 112, Transportation Code, is amended by adding Section 112.063 to read as follows:

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

(b) Except as provided by Subsection (d), a private entity that operates or plans to operate a high-speed rail project, represents itself as having the power of eminent domain, and acquires real property for a high-speed rail project may not use the property for any purpose other than a high-speed rail project.

(c) Except as provided by Subsection (d), a person from whom real property is acquired by a private entity as described by Subsection (b), and the person's heirs, successors, and assigns, are entitled to notice and opportunity to repurchase the property before all other purchasers for the price paid to the owner by the entity at the time the entity acquired the property if:

(1) the high-speed rail project for which the property was acquired is canceled before the property is used for that project;

1 (2) the property is not used for the high-speed rail
2 project for which the property was acquired before the 10th
3 anniversary of the date of acquisition; or

4 (3) the property becomes unnecessary for the
5 high-speed rail project for which the property was acquired before
6 the 10th anniversary of the date of acquisition.

7 (d) Subsections (b) and (c) do not apply to real property
8 acquired by a private entity as described by Subsection (b) that is
9 not acquired through a condemnation proceeding under Chapter 21,
10 Property Code, if, before the acquisition of the property:

11 (1) the entity acquiring the property gives written
12 notice to the person from whom the property is to be acquired that
13 the property may be used for a purpose other than a high-speed rail
14 project; and

15 (2) the person from whom the property is to be acquired
16 signs a statement acknowledging that written notice was given under
17 Subdivision (1).

18 (e) This section does not affect:

19 (1) the rights of a person from whom real property is
20 acquired under Chapter 21, Property Code; or

21 (2) any statutory right of an entity with the power of
22 eminent domain.

23 (f) Notice and repurchase as required by Subsection (c)
24 shall follow the timelines and processes for notice and repurchase
25 in Chapter 21, Property Code.

26 (g) This section applies to a private entity that represents
27 itself:

1 (1) as a railroad, whether or not the entity is a
2 railroad; or

3 (2) as another entity that may exercise the power of
4 eminent domain.

5 SECTION 2. Section 112.063, Transportation Code, as added
6 by this Act, applies only to real property acquired on or after
7 September 1, 2019.

8 SECTION 3. This Act takes effect September 1, 2019.