

## **BILL ANALYSIS**

C.S.H.B. 2700  
By: Martinez  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

A piece of land within the City of Donna that was acquired by the Texas Department of Transportation (TxDOT) does not receive sufficient routine maintenance, which is causing the land to deteriorate, to serve as a breeding ground for pests, and to become an eyesore to the Donna community. The City of Donna has called for the ability to maintain the property located within their jurisdiction and to be financially compensated by TxDOT in the amount TxDOT would otherwise pay an outside contractor for maintenance visits. C.S.H.B. 2700 seeks to remedy this situation by providing for the maintenance of portions of state highway rights-of-way by municipalities under certain conditions.

### **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**

C.S.H.B. 2700 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) and a municipality to enter into an agreement to allow the municipality to maintain all or a portion of the state highway right-of-way located within the municipality or the municipality's extraterritorial jurisdiction. The bill authorizes the agreement to compensate the municipality to maintain the right-of-way in an amount equaling the cost TxDOT would incur if TxDOT or a contractor acting on TxDOT's behalf maintained the right-of-way.

C.S.H.B. 2700 establishes that TxDOT has full easements and rights-of-way through, across, under, and over any property owned by the state or a local government that are necessary or convenient for the maintenance of any portion of a transportation project or system operated by a regional mobility authority. The bill requires the easement or right-of-way to be documented by filing a declaration of the property interest in the real property records of the county, which must include the following:

- a description of the property interest;
- a specific reference to the legislative authority for the property interest; and
- a plot plan of the property interest that includes any applicable information regarding the municipality in which the property is located and the street address and lot and block number of the property.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2700 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the requirement that appeared in the original for the agreement to compensate the municipality to maintain the right-of-way with an authorization for the agreement to do so.

The substitute includes the following provisions, which were absent from the original:

- a provision establishing that TxDOT has full easements and rights-of-way through, across, under, and over any property owned by the state or a local government that are necessary or convenient for the maintenance of any portion of a transportation project or system operated by a regional mobility authority;
- a requirement for the easement to be documented by filing a declaration of the property interest in the real property records of the county; and
- a provision setting out the required contents of the declaration.