

BILL ANALYSIS

C.S.H.B. 3949
By: Martinez
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to allow a private or publicly owned port of entry to negotiate with the Texas Department of Transportation (TxDOT) directly to acquire a portion of a state highway that leads to the port itself. Of particular interest is a road leading to the Progreso International Bridge. It has been noted that a city or county has first right-of-refusal whenever TxDOT is liquidating property, and TxDOT is not currently authorized to sell a portion of a state highway that abuts certain ports to the owner or operator of the port. C.S.H.B. 3949 seeks to remedy this situation by authorizing TxDOT to sell certain property interests directly to the owner or operator of an airport, inland port, or seaport and by transferring the responsibility to maintain the property to the entity that acquires the property.

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. 3949 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to enter into an agreement to sell a portion of a state highway that abuts an airport, inland port, or seaport to the owner or operator of the airport, inland port, or seaport. The bill requires the agreement to provide for assumption of responsibility for maintenance of the property by the entity that acquires the property.

C.S.H.B. 3949 requires the Texas Transportation Commission to determine the fair value of the state's interest in the real property to be sold, and the commission may authorize the executive director of TxDOT to execute a deed conveying that interest. The bill prohibits TxDOT from selling the interest for an amount less than the fair value determined by the commission. The bill requires revenue from the sale of the property to be deposited to the credit of the state highway fund.

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. 3949 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 original authorized TxDOT to enter into an agreement to allow an airport, land port, or sea port to acquire a portion of a state highway road, whereas the substitute authorizes TxDOT to enter into an agreement to sell a portion of a state highway that abuts an airport, inland port, or seaport to the owner or operator of the airport, inland port, or seaport.

The substitute contains the following provisions not included in the original:

- a requirement for the commission to determine the fair value of the state's interest in the real property to be sold;
- an authorization for the commission to authorize the TxDOT executive director to execute a deed conveying that interest;
- a prohibition against selling the interest for an amount less than the fair value determined by the commission; and
- a requirement for the revenue from the sale to be deposited to the credit of the state highway fund.