87R20473 MP-F

By:  Martinez H.B. No. 2700

A BILL TO BE ENTITLED

AN ACT

relating to Texas Department of Transportation agreements and property interests related to maintenance of certain transportation infrastructure and right-of-way.

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

SECTION 1.  Subchapter C, Chapter 202, Transportation Code, is amended by adding Section 202.062 to read as follows:

Sec. 202.062.  MUNICIPAL MAINTENANCE OF STATE HIGHWAY RIGHT-OF-WAY. (a) The department and a municipality may 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.

(b)  An agreement entered into under this section may provide compensation to the municipality to maintain the right-of-way that is equal to the cost the department would incur if the department or a contractor acting on behalf of the department maintained the right-of-way.

SECTION 2.  Section 370.169, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d)  The department 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 an authority under this chapter.

(e)  An easement or right-of-way granted under this section must be documented by filing a declaration of the property interest in the real property records of the county. The declaration must include:

(1)  a description of the property interest;

(2)  a specific reference to the legislative authority for the property interest; and

(3)  a plot plan of the property interest, including the following information, if applicable:

(A)  the municipality in which the property is located;

(B)  the street address of the property; and

(C)  the lot and block number of the property.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.