

By: Martinez

H.B. No. 2700

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to Texas Department of Transportation agreements and  
3 property interests related to maintenance of certain  
4 transportation infrastructure and right-of-way.

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

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

8 Sec. 202.062. MUNICIPAL MAINTENANCE OF STATE HIGHWAY  
9 RIGHT-OF-WAY. (a) The department and a municipality may enter into  
10 an agreement to allow the municipality to maintain all or a portion  
11 of the state highway right-of-way located within the municipality  
12 or the municipality's extraterritorial jurisdiction.

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

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

20 (d) The department has full easements and rights-of-way  
21 through, across, under, and over any property owned by the state or  
22 a local government that are necessary or convenient for the  
23 maintenance of any portion of a transportation project or system  
24 operated by an authority under this chapter.

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

5               (1) a description of the property interest;

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

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

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

12                       (B) the street address of the property; and

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

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