

By: Harris of Anderson

H.B. No. 3870

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of real property acquired 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" has the meaning assigned by Section 112.201.

(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;

(2) the property is not used for the high-speed rail

1 project for which the property was acquired before the 10th
2 anniversary of the date of acquisition; or

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

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

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

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

17 (e) This section does not affect:

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

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

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

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

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

1 railroad; or

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

4 SECTION 2. Section 112.063, Transportation Code, as added
5 by this Act, applies only to the disposition of real property
6 acquired on or after the effective date of this Act. The
7 disposition of real property acquired before the effective date of
8 this Act is governed by the law as it existed immediately before the
9 effective date of this Act, and that law is continued in effect for
10 that purpose.

11 SECTION 3. This Act takes effect September 1, 2023.