

BILL ANALYSIS

C.S.H.B. 3793
By: McLaughlin
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that under current statute, counties have limited discretion regarding what to do with property after closing or abandoning a public road, with the property generally being required to be conveyed to abutting property owners. The bill author has also informed the committee that while this framework works well in most rural settings, problems can arise when the road in question borders a planned residential subdivision located within municipal boundaries, in which case conveyance can result in fragmented ownership, poor maintenance, and safety hazards. C.S.H.B. 3793 seeks to provide counties with a narrow exception to the standard road abandonment procedure in cases where closing a county road that abuts a residential subdivision would create a public nuisance or hazard by authorizing the county to seek annexation of the roadway by the adjacent municipality or to convert the road into a non-vehicular public use.

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. 3793 amends the Transportation Code to establish that a county commissioners court that closes, abandons, or vacates a county road that is located wholly or partly outside the corporate limits of a municipality and abuts single family residential lots in a planned residential subdivision that is located wholly in the corporate limits of a municipality is not required to comply with the established procedures for conveyance of such property if the commissioners court finds that conveying the county road to any abutting property's owner will create a public nuisance or safety hazard. The bill authorizes the commissioners court to use the county road for any permissible purpose not related to motorized vehicle traffic, including as a hiking and biking trail, or to petition the municipality to annex the county road.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3793 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

With respect to the provision establishing that a commissioners court that closes, abandons, or vacates an applicable road is not required to comply with the established procedures for conveyance of such property if the commissioners court makes certain findings, the substitute specifies that the applicable road is a county road that is located wholly or partly outside the corporate limits of a municipality and abuts single family residential lots in a planned residential subdivision that is located wholly in the corporate limits of a municipality, whereas the introduced specified that the applicable road is a public road that abuts an existing single family residential lot in a planned residential subdivision located wholly in the corporate limits of a municipality.

The substitute includes a provision absent from the introduced authorizing a commissioners court that closes, abandons, or vacates an applicable county road and finds that conveying the county road to any abutting property's owner will create a public nuisance or safety hazard to either use the county road for any permissible purpose not related to motorized vehicle traffic, including as a hiking and biking trail, or to petition the municipality to annex the county road.