

By: Oliverson

H.B. No. 4545

A BILL TO BE ENTITLED

AN ACT

relating to access to land managed by the Parks and Wildlife Department from adjacent privately owned land; authorizing a fee.

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

SECTION 1. Chapter 13, Parks and Wildlife Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. ACCESS TO DEPARTMENT-MANAGED LAND FROM ADJACENT PRIVATE PROPERTY

Sec. 13.401. APPLICATION FOR ACCESS GATE AND ACCESS AGREEMENT. (a) The owner of private property directly adjacent to land managed by the department may file an application with the department requesting that:

(1) the department install, or authorize the owner to install, an access gate to connect the owner's property to the department-managed land; and

(2) the department execute with the owner an agreement to authorize the owner's access to and use of the department-managed land.

(b) The commission shall adopt an application form and rules establishing procedures for applications under this section, including procedures prescribing:

(1) documents required to accompany the application, including:

(A) evidence of ownership of the private

1 property; and

2 (B) the proposed location of the access gate;

3 (2) criteria for evaluating and approving  
4 applications;

5 (3) a draft access agreement to be reviewed and signed  
6 by the private property owner on approval of the application; and

7 (4) any additional information determined necessary  
8 to evaluate the application.

9 (c) The criteria adopted under Subsection (b)(2) must  
10 require the department to consider, at a minimum, the following  
11 factors:

12 (1) potential impact on the department-managed land,  
13 including environmental, wildlife, and operational concerns;

14 (2) security and safety considerations; and

15 (3) compliance with state or federal law.

16 (d) Not later than the 90th day after the date the  
17 department receives a completed application under this section, the  
18 department shall:

19 (1) review the application; and

20 (2) issue a written decision approving, denying, or  
21 approving with conditions the application.

22 Sec. 13.402. ACCESS AGREEMENT REQUIREMENTS. (a) An access  
23 agreement between the department and a private property owner under  
24 this subchapter must include terms to preserve the integrity and  
25 operational requirements of department-managed land, including:

26 (1) restrictions on the private property owner's use  
27 of the access gate, including hours of access and the purposes for

1 which the owner may use the gate, such as personal, agricultural, or  
2 other lawful uses;

3 (2) responsibilities of the private property owner,  
4 including maintenance of the access gate and compliance with  
5 applicable state and federal laws;

6 (3) liability provisions indemnifying the department  
7 against claims arising from the private property owner's use of the  
8 access gate; and

9 (4) conditions under which the department may revoke  
10 access rights, including violation of agreement terms.

11 (b) The department shall establish a standard template for  
12 access agreements under this subchapter that can be modified to  
13 address specific conditions and requirements.

14 Sec. 13.403. COSTS AND FEES. (a) A private property owner  
15 whose application under Section 13.401 is approved by the  
16 department is responsible for paying all costs, as determined by  
17 the department, associated with the review, approval, and  
18 implementation of the access gate and access agreement.

19 (b) The department may charge a fee to cover:

20 (1) administrative costs associated with reviewing  
21 the application;

22 (2) costs of construction, materials, and labor for an  
23 access gate installed by the department or a department agent;

24 (3) ongoing maintenance costs, if applicable; and

25 (4) other costs associated with the access gate or  
26 access agreement.

27 (c) The commission by rule shall establish a fee schedule

1 for costs described by Subsection (a) or (b). The department shall  
2 publish the fee schedule on the department's Internet website.

3 Sec. 13.404. GENERAL RULEMAKING AUTHORITY. The commission  
4 shall adopt rules as necessary to implement this subchapter.

5 SECTION 2. This Act takes effect September 1, 2025.