

BILL ANALYSIS

Senate Research Center

C.S.S.B. 361
By: Shapiro
Infrastructure Development and Security
3-17-2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Recently, the Texas Department of Transportation (TxDOT) reviewed municipal highway access rules, specifically those regarding the distance between curb cuts along state highways, causing concern in local communities about safety, local control, and economic development. The review significantly impacts the viability of frontage roads and existing municipal plans for infrastructure development and growth that are based on current local access management plans. C.S.S.B. 361 provides that Texas Transportation Commission's orders under Section 203.031 (Control of Access) do not supersede a municipal ordinance, unless such an ordinance interferes with the ability of TxDOT or the state to receive federal highway funds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 203.032, Transportation Code, as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Creates Subsection (a) from existing text.

(b) Provides that an order of the Texas Transportation Commission (commission) under Section 203.031 (a)(2) or (4) (Control of Access) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, unless the Federal Highway Administration notifies the Texas Department of Transportation (TxDOT) that enforcement of the municipal rule or ordinance would impair the state or TxDOT's ability to receive funds for highway construction or maintenance from the federal government.

(c) Provides that Subsection (b) does not apply when TxDOT owns the access rights.

SECTION 2. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Differs from the original bill in SECTION 1 by including Subsection (b) as an exception to Subsection (a); by replacing proposed text prohibiting the commission from adopting and enforcing an order that meets certain criteria, with text that specifies that commission rules do not supersede a municipality's ordinance unless it interferes with TxDOT's or the state's ability to receive federal highway funds; and by adding Subsection (c).