

BILL ANALYSIS

Senate Research Center
78S10226 JD-F

S.B. 37
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Infrastructure Development and Security
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DIGEST AND PURPOSE

A review of highway access rules by the Texas Department of Transportation has raised concerns in some communities regarding the distance between curb cuts. As proposed, S.B. 37 allows the governmental entities of a county with a population of 3.3 million or more, a county surrounding a county with a population of 3.3 million or more, or a municipality located in one of those counties, to adopt highway access rules or ordinances and for those rules or ordinances to take precedence over those adopted by the Texas Transportation Commission. This bill would not apply if the U.S. Department of Transportation indicates that this bill's implementation would impair the ability of the state to collect future 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 amended by S.B. 361, Acts of the 78th Legislature, Regular Session, as follows:

Sec. 203.032. PRECEDENCE OF COMMISSION ORDER. (a) Provides that an order of the Texas Transportation Commission (TTC) under Section 203.031 (Control of Access) supersedes a conflicting rule or ordinance of a state agency or subdivision of this state or any county or municipality, including a home-rule municipality. Deletes text stating the provisions of Subsection (b) are an exception to this subsection.

(b) Prohibits TTC, notwithstanding Subsection (a), from adopting or enforcing an order under Section 203.031(a)(2) or (4) that is applicable to certain highways. Deletes text referring to a TTC order that does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, unless the United States Department of Transportation Federal Highway Administration notifies the Texas Department of Transportation (TxDOT) that enforcement of the municipal rule or ordinance would impair the ability of the state or TxDOT to receive funds for highway construction or maintenance from the federal government.

(c) Provides that a TTC order under Section 203.031(a)(2) or (4) does not supersede a conflicting rule or ordinance of a municipality, including a home-rule municipality, or of a county, unless the United States Department of Transportation Federal Highway Administration notifies TxDOT that enforcement of the municipal or county rule or ordinance would impair the ability of this state or TxDOT to receive funds for highway construction or maintenance from the federal government. Provides that Subsection (b) does not apply if the United States Department of Transportation Federal Highway Administration notifies TxDOT that enforcement of the municipal or county rule or ordinance would impair the ability of this state or TxDOT to receive funds for highway construction or maintenance from the federal government. Deletes text referring to ownership of access rights.

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