

BILL ANALYSIS

Senate Research Center

S.B. 1699
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Transportation & Homeland Security
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The acquisition of right-of-way contributes significantly to the expense of improving the state's highway infrastructure. Given the demand for transportation infrastructure and the limited resources available to the state to provide it, the Texas Department of Transportation (TxDOT) takes every opportunity to examine innovative project delivery methods that may expedite completion of highway projects.

With the proper legislative authority, there may be circumstances in which TxDOT can acquire real property from willing sellers in advance of the traditional timeframe and thereby expedite the delivery of transportation infrastructure.

Currently, the Texas Transportation Commission (TTC) advance acquisition authority is limited to purchasing options. It is often difficult to ascertain a price for an option for long-term projects. Some of the planned projects may not be completed for 50 years. Landowners may be very reluctant to sell an option that will affect their children or grandchildren. To allow TxDOT to purchase the property as an alternative would prevent these parcels from being developed, saving TxDOT millions in later acquisition costs. This would also help local governments plan development in their areas, and allow TxDOT flexibility.

As proposed, S.B. 1699 expands TTC's advance acquisition authority to purchase an option or any interest in real property. The advance acquisition authority can only be used if the seller is willing to sell; advance acquisition may not be used for condemnation.

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 202.112, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Authorizes the Texas Transportation Commission to purchase an interest in real property, including a fee simple title, an easement, or a leasehold, or an option to acquire a fee simple title or any lesser interest in real property that is identified for possible use in or in connection with a transportation facility, including a facility as defines by Section 227.001 (Definitions), before a final decision has been made as to whether the transportation facility will be located on the property.

(d) Provides that Section 201.604 (Environmental Review) does not apply to this section.

SECTION 3. [sic] [Bill as drafted does not contain SECTION 2] Effective date: upon passage or September 1, 2005.