

## **BILL ANALYSIS**

Senate Research Center  
80R13273 DWS-F

H.B. 2991  
By: Murphy (Williams)  
Transportation & Homeland Security  
5/17/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2003, local developers and municipalities encountered problems associated with the manner in which the Texas Department of Transportation (TxDOT) was acquiring property and granting access to roadways and the resulting effect upon access for the abutting property to the adjacent roadway. In an effort to create a quicker response to local developer and municipal needs, the 78<sup>th</sup> Legislature, Regular Session, 2003, authorized municipalities to take over the decision making authority related to access to roadways within their jurisdictions, provided that they did not take any actions that would jeopardize federal funding and that TxDOT did not own the access from the abutting property.

This solution worked well for municipalities, but failed to address the needs of non-municipal local governments and developers in the Houston area, where 90 percent of the development activity occurs outside city limits of cities. The 79<sup>th</sup> Legislature, Regular Session, 2005, responded by giving Harris County and the five counties it borders the same decision making authority that had previously been given to municipalities.

During the implementation of that legislation by Harris County, the question was raised as to whether the counties it covered had been adequately empowered to make access decisions because the legislation did not specifically use the phrase "by order or resolution." Since counties are state creations and do not have any powers except those that are specifically granted to them, they can only pass orders or resolutions when specifically granted the authority to do so.

H.B. 2991 authorizes those counties to limit road access in the manner set forth in the bill by resolution or order.

### **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 Subchapter A, Chapter 251, Transportation Code, by adding Section 251.0165, as follows:

Sec. 251.0165. CONTROL OF ACCESS WITHIN CERTAIN COUNTIES. (a) Authorizes a county with a population of 3.3 million or more or a county adjacent to a county with a population of 3.3 million or more, by resolution or order, to deny access to or from and designate locations on a controlled access highway at which access to or from the highway is permitted as set forth in this subsection, except as limited by Section 203.032 (Precedence of Commission Order).

(b) Provides that this section does not apply to the placement of or access to a utility facility in or near a highway right-of-way.

SECTION 2. Effective date: upon passage or September 1, 2007.