

## **BILL ANALYSIS**

Senate Research Center  
87R20473 MP-F

H.B. 2700  
By: Martinez (Hinojosa)  
Transportation  
5/17/2021  
Engrossed

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

H.B. 2700 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) and a municipality to enter into an agreement to allow the municipality to maintain all or a portion of the state highway right-of-way located within the municipality or the municipality's extraterritorial jurisdiction. The bill authorizes the agreement to compensate the municipality to maintain the right-of-way in an amount equaling the cost TxDOT would incur if TxDOT or a contractor acting on TxDOT's behalf maintained the right-of-way.

H.B. 2700 establishes that TxDOT has full easements and rights-of-way through, across, under, and over any property owned by the state or a local government that are necessary or convenient for the maintenance of any portion of a transportation project or system operated by a regional mobility authority. The bill requires the easement or right-of-way to be documented by filing a declaration of the property interest in the real property records of the county, which must include:

- a description of the property interest;

- a specific reference to the legislative authority for the property interest; and

- a plot plan of the property interest that includes any applicable information regarding the municipality in which the property is located and the street address and lot and block number of the property.

H.B. 2700 amends current law relating to Texas Department of Transportation agreements and property interests related to maintenance of certain transportation infrastructure and right-of-way.

### **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 C, Chapter 202, Transportation Code, by adding Section 202.062, as follows:

Sec. 202.062. MUNICIPAL MAINTENANCE OF STATE HIGHWAY RIGHT-OF-WAY. (a) Authorizes the Texas Department of Transportation (TxDOT) and a municipality to enter into an agreement to allow the municipality to maintain all or a portion of the state highway right-of-way located within the municipality or the municipality's extraterritorial jurisdiction.

(b) Authorizes an agreement entered into under this section to provide compensation to the municipality to maintain the right-of-way that is equal to the cost TxDOT would incur if TxDOT or a contractor acting on behalf of TxDOT maintained the right-of-way.

SECTION 2. Amends Section 370.169, Transportation Code, by adding Subsections (d) and (e), as follows:

(d) Provides that TxDOT has full easements and rights-of-way through, across, under, and over any property owned by the state or a local government that are necessary or convenient for the maintenance of any portion of a transportation project or system operated by an authority under Chapter 370 (Regional Mobility Authorities).

(e) Requires that an easement or right-of-way granted under Section 370.169 (Compensation for and Restoration of Public Property) be documented by filing a declaration of the property interest in the real property records of the county. Requires that the declaration include:

- (1) a description of the property interest;
- (2) a specific reference to the legislative authority for the property interest; and
- (3) a plot plan of the property interest, including the following information, if applicable:
  - (A) the municipality in which the property is located;
  - (B) the street address of the property; and
  - (C) the lot and block number of the property.

SECTION 3. Effective date: upon passage or September 1, 2021.