

BILL ANALYSIS

C.S.H.B. 1709
By: Harless
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a county commissioners court has general authority to close, abandon, and vacate a public road and may do so either at the request of a person or on its own motion. The parties further note that when such actions are undertaken at a person's request, the requestor generally has not borne any of the associated costs of those actions, which the county, and thereby taxpayers, must then cover. A concern has also been raised about the sufficiency of information in the title relating to certain rights-of-way and easements. C.S.H.B. 1709 seeks to address these issues.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1709 amends the Transportation Code to require a county order closing, abandoning, and vacating a public road or portion of a public road, if a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, to state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure, which includes any facility owned by an electric or gas utility, in existence on the date the order is signed by the county judge. The bill requires the commissioners court, not later than the 30th day before the date such an order is signed, to notify such a public utility or common carrier of the proposal to close, abandon, and vacate the public road or portion of the public road.

C.S.H.B. 1709 authorizes a commissioners court that closes, abandons, and vacates a public road or a portion of a public road at the request of an owner of property that abuts the portion of that road to require the owner to pay all reasonable administrative costs incurred for processing the request and recording the order to close, abandon, and vacate the road in the county deed records and to reimburse the county for the market value of any property interest conveyed to the owner. The bill authorizes a county by order of the commissioners court to adopt standard fees required for processing such a request and recording the order.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1709 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 251.058, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

No equivalent provision.

No equivalent provision.

(d) If a commissioners court closes,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 251.058, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(b) Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. A copy of the order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. The order shall:

(1) include the name of each property owner who receives a conveyance under this section;

(2) include the dimensions of the property being conveyed to each property owner; ~~and~~

(3) be indexed in the deed records of the county in a manner that describes:

(A) the county conveying the property as grantor; and

(B) the property owner receiving the conveyance as grantee; ~~and~~

(4) if a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed.

(b-1) Not later than the 30th day before the date an order is signed under Subsection (b), the commissioners court shall notify a public utility or common carrier described by Subsection (b)(4) of the proposal to close, abandon, and vacate the public road or portion of the public road.

(d) If a commissioners court closes,

abandons, and vacates a public road or a portion of a public road at the request of an owner of property that abuts the portion of the road being closed, abandoned, and vacated, the commissioners court may require the owner to:

(1) pay all reasonable administrative costs incurred for processing the request and recording the order described by Subsection (b) in the county deed records; and

(2) reimburse the county for the market value of any property interest conveyed to the owner.

(e) A county by order of the commissioners court may adopt standard fees required to be paid under Subsection (d)(1) for processing a request and recording an order.

No equivalent provision.

SECTION 2. The change in law made by this Act to Section 251.058, Transportation Code, applies only to a request to close, abandon, and vacate a public road or a portion of a public road that is submitted to a commissioners court on or after the effective date of this Act. A request submitted to a commissioners court before the effective date of this Act is governed by the law in effect when the request was submitted, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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(1) pay all reasonable administrative costs incurred for processing the request and recording the order described by Subsection (b) in the county deed records; and

(2) reimburse the county for the market value of any property interest conveyed to the owner.

(e) A county by order of the commissioners court may adopt standard fees required to be paid under Subsection (d)(1) for processing a request and recording an order.

(f) For purposes of Subsection (b), "utility infrastructure" includes any facility owned by:

(1) an electric utility, as defined by Section 31.002, Utilities Code; or

(2) a gas utility, as defined by Section 101.003 or 121.001, Utilities Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.