

- SUBJECT:** Allowing counties to maintain private roads used by school buses
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 9 ayes — R. Lewis, Kamel, Bonnen, Chisum, Christian, Denny, Flores, Gutierrez, G. Lewis
- 0 nays
- WITNESSES:** For — Jim Allison and Jim Barron, County Judges and Commissioners Association of Texas
- Against — Debbie Gonzalez Ingalsbe, Hays County; Cristina Zamora, Comal County; Shirley Hester and Dorothy K. Jenner, Guadalupe County
- BACKGROUND :** Texas law requires independent school districts to provide bus service for public school children. Art. 3, sec. 52f of the Texas Constitution allows counties with a population of less than 5,000 to construct and maintain private roads if they charge the landowner for the costs incurred. In 1991, the attorney general issued an opinion that counties lack legal authority to maintain or improve private roads unless they recoup their costs, even though the roads may be used by school buses to transport students.
- DIGEST:** HJR 73 would amend the Texas Constitution to authorize counties to maintain private roads used by public school buses to transport students to or from a public school. The Legislature could limit this authority by general law.
- The proposed constitutional amendment would be presented to voters at an election on November 4, 1997. The ballot proposal would read: “The constitutional amendment authorizing counties to maintain private roads that are used by public school buses.”
- SUPPORTERS SAY:** HJR 73 would promote public safety and clarify public policy by stipulating that counties may use public funds to maintain private roads used by buses to transport public schoolchildren. This would help rural and small communities, which rely on private roads, to resolve problems with transporting their school children. Many private roads used as school bus

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routes are inadequately or haphazardly maintained and become impassable in severe or rainy weather. With HJR 73, these communities could prevent these problems and ensure the safe transport of school children.

HJR 73 would allow, not require, counties to maintain private roads for a very limited purpose. The discretion to use this authority would be up to the local residents.

OPPONENTS
SAY:

Private roads should be maintained at the expense of private citizens. Counties do not have unlimited resources to construct and maintain roads that should be funded by private property owners. The fact that counties could exercise this authority would increase pressure on officials to use public funds for private roads.

OTHER
OPPONENTS
SAY:

Maintaining private roads for public use is a costly and difficult job for private citizens to undertake. Counties should be required, not just allowed, to maintain private roads used to transport schoolchildren.