

SUBJECT: Commissioners court approval for erecting a gate on certain roads

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 6 ayes — W. Smith, Naishtat, Bolton, Coleman, Harless, Heflin

0 nays

3 absent — Farabee, Leibowitz, T. Smith

WITNESSES: For — (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; June Deadrick, Center Point Energy; John Thompson, County Judges and Commissioners Association of Texas)

Against — None

BACKGROUND: Transportation Code, sec. 251.010 allows a person or neighborhood association to erect a gate across neighborhood and third-class roads. The gate has to be kept in good working order and must be:

- at least 10 feet wide;
- free of obstructions above the gate;
- constructed so opening and shutting the gate do not cause unnecessary delays for people or emergency personnel using the road; and
- constructed with a fastening to hold the gate open until a person using the gate passes through it.

Since the time this code was enacted, these roads have seen increasing amounts of motor vehicle traffic. In addition, many of these gates were designed too small to allow some farm machinery to access the roads and inadvertently have led to emergency vehicle delays.

DIGEST: HB 1671 would prohibit a person from erecting a gate across neighborhood and third-class roads unless approved by the commissioners court of the county.

The bill would take effect September 1, 2007.