

- SUBJECT:** Traffic regulation in a conservation and reclamation district
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 7 ayes — Phillips, Martinez, Burkett, Fletcher, Harper-Brown, Lavender, Pickett
- 1 nays — Y. Davis
- 3 absent — Guerra, McClendon, Riddle
- SENATE VOTE:** On final passage, April 18 — 31-0 on Local and Uncontested Calendar
- WITNESSES:** For — Jim Allison, County Judges and Commissioners Association of Texas; Michael Vasquez, Texas Conference of Urban Counties
- Against — None
- BACKGROUND:** Texas Constitution, Art. 3, Sec. 52 and Art. 16, Sec. 59 govern conservation and reclamation districts.
- On October 5, 2010, the Attorney General’s office issued an opinion (GA-0809) that restricted a county’s ability to regulate traffic in a conservation and reclamation district.
- DIGEST:** SB 1411 would allow a county to enter into an interlocal contract with the board of a conservation and reclamation district to apply the county’s traffic regulations to a public road located wholly or partly within the county that was owned, operated and maintained by a conservation and reclamation district, if the commissioners court found that it was in the county’s interest to regulate traffic there.
- The commissioners court could also regulate traffic control devices in restricted traffic zones on:
- a county road or on real property owned by the county under the jurisdiction of the commissioners court; and
  - property abutting a public road subject to traffic regulation by a commissioners court, if the property was owned by a conservation

and reclamation district or was a public right-of-way.

The public roads regulated under the bill would be considered county roads for purposes of applying traffic regulation.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

SB 1411 would fill a gap in statute to allow a commissioners court of a county to enter into an agreement to regulate traffic on public roads within the county that were also in conservation and reclamation districts. The office of the Attorney General issued an opinion in 2010 that brought into question the ability of county commissioners to regulate roads in unincorporated areas. SB 1411 would make clear that a commissioners court could enter into an agreement with the board of a conservation and reclamation district to regulate traffic in the district.

The bill would improve public safety by authorizing a county sheriff's office to regulate traffic on public roads in these districts as if they were any other public road. Current law prohibits counties with public roads in conservation and reclamation districts from taking measures that would help keep residents safe, including regulating traffic around schools and installing stop signs in these areas.

**OPPONENTS  
SAY:**

SB 1411 would not specify who would enforce the traffic laws and what kind of training they would have. It is also unclear that the traffic regulators would be sheriff's officers with appropriate training.

**NOTES:**

A companion bill, HB 2330 by Gooden, was passed by the House on May 7 and referred to the Senate Transportation Committee on May 9.

HB 2330 differs from SB 1411 in that the House bill would apply only to Kaufman County. The HRO analysis of HB 2330 appears in the May 4 *Daily Floor Report*, Number 66, Part Two.