

BILL ANALYSIS

Senate Research Center

H.B. 1857
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Transportation & Homeland Security
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, cities and some of the more densely populated counties have the authority to designate transportation corridors within their jurisdictions for future development, but over 80 percent of the counties in this state do not have such authority. Even in the areas in which plans for future corridors are authorized, notice of a future corridor and related construction may not reach people who, after the corridor is designated, decide to buy or build homes or businesses in the corridor. Later, these people are forced to relocate so that the planned transportation project may be built. Furthermore, when information about a transportation project becomes known, speculators sometimes purchase property within the construction zone before the state or county is able to fulfill the requirements necessary for it to do so, resulting in inflation of the price of the property. Taxpayers then bear the increased cost for the acquisition of land for the project.

It appears that the Texas transportation system has not kept pace with the needs of a rapidly increasing population and that transportation problems are not limited to urban areas, extending to rural areas as well.

H.B. 1857 authorizes the Texas Department of Transportation and a county to enter into an agreement that identifies future transportation corridors and requires publication of a notice stating such information. Furthermore, this bill provides additional requirements for future transportation corridors.

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 H, Chapter 201, Transportation Code, by adding Section 201.619, as follows:

Sec. 201.619. COOPERATIVE PLANNING WITH COUNTIES. (a) Defines "corridor."

(b) Authorizes the Texas Department of Transportation (TxDOT) and a county to enter into an agreement that identifies future transportation corridors (FTCs) within the county in accordance with this subsection. Requires the corridors identified in the agreement to be derived from existing transportation plans adopted by TxDOT or the Texas Transportation Commission, the county, or a metropolitan planning organization.

(c) Requires TxDOT to publish in the Texas Register and in a newspaper of general circulation in the county with which TxDOT has entered into an agreement under Subsection (b) a notice that states that TxDOT and the county have entered into the agreement and that copies of the agreement and all plans referred to by the agreement are available at one or more designated TxDOT offices.

SECTION 2. Amends Subchapter A, Chapter 232, Local Government Code, by adding Section 232.0033, as follows:

Sec. 232.0033. ADDITIONAL REQUIREMENTS: FUTURE TRANSPORTATION CORRIDORS. (a) Provides that this section applies to each county in the state. Provides that the requirements provided by this section are in addition to the other requirements of this chapter (County Regulation of Subdivisions).

(b) Requires the commissioners court of a county in which all or part of a subdivision for which a plat is required under this chapter is located within a corridor identified in an agreement under Section 201.619, Transportation Code, to refuse to approve the plat for recordation unless the plat states that the subdivision is located within the FTC and authorizes the commissioners court to refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the environmental decision document applicable to the FTC. Requires each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision to contain a conspicuous statement that the land is within the FTC if all or part of a subdivision for which a plat is required under this chapter is located within an FTC identified in an agreement under Section 201.619, Transportation Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment

Amends H.B. 1857 by striking Section 232.0033, Local Government Code (engrossed version, page 2, lines 1-22), and substituting the following:

Sec. 232.0033. ADDITIONAL REQUIREMENTS: FUTURE TRANSPORTATION CORRIDORS. (a) Provides that this section applies to each county in the state. Provides that the requirements provided by this section are in addition to the other requirements of this chapter (County Regulation of Subdivisions).

(b) Authorizes the commissioners county of a county in which land is located to take certain actions, and requires each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision to contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor if all or part of a subdivision for which a plat is required under this chapter is located within a future transportation corridor identified in an agreement under Section 201.619, Transportation Code.