

BILL ANALYSIS

Senate Research Center

S.B. 1487
By: Watson
Transportation
3/28/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1487 allows for the official abandonment of an unused or underused county road to a cemetery under specific circumstances.

Current statute allows for a county road to be abandoned if an adjacent owner has fenced it for at least 20 years. The exception is for cemeteries.

This bill allows for abandonment of roads to cemeteries that meet the same 20-year criteria, plus the adjoining owner must file an affidavit in the deed records agreeing to provide reasonable access as defined in Section 711.041 (Access to Cemetery), Health and Safety Code, governing access to cemeteries without public ingress and egress.

As proposed, S.B. 1487 amends current law relating to the abandonment of a county road.

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 Section 251.057 (b), Transportation Code, as follows:

Sec. 251.057. ABANDONMENT OF COUNTY ROAD. (a) Makes no change to this subsection.

(b) Provides that this section does not apply to a road to a cemetery unless an adjoining property owner files an affidavit in the deed records, at any time after the expiration of the 20-year period provided in Subsection (a) (relating to the provision that a county road is abandoned when its use has become so infrequent that one or more adjoining property owners have enclosed the road with a fence continuously for at least 20 years), agreeing to provide reasonable access to the cemetery pursuant to Section 711.92, Health and Safety Code Section, as it existed on September 1, 2013, or an access road that is reasonably necessary to reach adjoining real property.

SECTION 2. Effective date: September 1, 2013.