

BILL ANALYSIS

Senate Research Center
84R15422 JRR-D

H.B. 1709
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Natural Resources & Economic Development
5/13/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that a county commissioners court has general authority to close, abandon, and vacate a public road and may do so either at the request of a person or on its own motion. The parties further note that when such actions are undertaken at a person's request, the requestor generally has not borne any of the associated costs of those actions, which the county, and thereby taxpayers, must then cover. A concern has also been raised about the sufficiency of information in the title relating to certain rights-of-way and easements. H.B. 1709 seeks to address these issues.

H.B. 1709 amends current law relating to the closing, abandoning, and vacating of a public road by a county, and authorizes the imposition of a fee.

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 251.058, Transportation Code, by amending Subsection (b) and adding Subsections (b-1), (d), (e), and (f), as follows:

(b) Provides that title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. Requires that a copy of the order be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. Requires that the order:

(1)-(3) Makes nonsubstantive changes to these subdivisions; and

(4) if a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed.

(b-1) Requires the commissioners court, not later than the 30th day before the date an order is signed under Subsection (b), to notify a public utility or common carrier described by Subsection (b)(4) of the proposal to close, abandon, and vacate the public road or portion of the public road.

(d) Authorizes the commissioners court, if a commissioners court closes, abandons, and vacates a public road or a portion of a public road at the request of an owner of property that abuts the portion of the road being closed, abandoned, and vacated, to require the owner to:

(1) pay all reasonable administrative costs incurred for processing the request and recording the order described by Subsection (b) in the county deed records; and

(2) reimburse the county for the market value of any property interest conveyed to the owner.

(e) Authorizes a county by order of the commissioners court to adopt standard fees required to be paid under Subsection (d)(1) for processing a request and recording an order.

(f) Defines "utility infrastructure" for purposes of Subsection (b).

SECTION 2. Provides that the change in law made by this Act to Section 251.058, Transportation Code, applies only to a request to close, abandon, and vacate a public road or a portion of a public road that is submitted to a commissioners court on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.