

BILL ANALYSIS

Senate Research Center
86R5729 BEE-D

S.B. 478
By: Creighton
Transportation
3/27/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Through no fault or desire of their own, dozens of property owners in Texas have had entities attempt to enter their land for surveying purposes. These surveying entities had no proof of eminent domain authority or that they were, in fact, a railroad.

This bill would amend the Transportation Code to prohibit any entity from entering private lands or waters for high-speed rail surveying purposes unless the Texas Department of Transportation has already determined that entity was a railroad.

As proposed, S.B. 478 amends current law relating to authorization to enter onto property to survey for a proposed high-speed rail facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (Section 112.0515, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 112, Transportation Code, by adding Section 112.0515, as follows:

Sec. 112.0515. ENTRY ONTO PROPERTY: EXAMINATION OR SURVEY FOR HIGH-SPEED RAIL. (a) Defines "high-speed rail."

(b) Prohibits a private entity from entering on the lands or waters of any person or corporation under Section 112.051 (Entry Onto Private Property) to make an examination or survey, including a lineal survey, for a proposed high-speed rail facility unless the Texas Department of Transportation (TxDOT) has determined that the entity is a railroad company for the purposes of Section 112.002 (General Rights of Railroads).

(c) Requires TxDOT by rule to adopt procedures to implement this section.

SECTION 2. Effective date: September 1, 2019.