

- SUBJECT:** Application of traffic regulations in private subdivision roads.
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 7 ayes — Alexander, Hawley, Y. Davis, Hamric, Hill, Noriega, Pickett
0 nays
2 absent — Edwards, Swinford
- SENATE VOTE:** On final passage, March 7 — voice vote
- WITNESSES:** For — Ken Campbell, Village of Briarcliff, Village of Meadowlakes, Village of the Hills; *Registered but did not testify:* Emory Bellard, Jr., City of Meadowlakes; Shanna Igo, Texas Municipal League; Virginia W. Jones, Village of the Hills, Travis County; V.E. McDaniel and Robert Pigg, Village of Briarcliff; Louis Scopel.

Against — None
- BACKGROUND:** Transportation Code, ch. 542 permits areas with private roads that are within an unincorporated area of a county to petition either the Transportation Commission or their county commissioners to extend the county traffic rules to their private roads. There is no such provision for incorporated areas with private roads.
- DIGEST:** SB 217 would add sec. 542.008 to the Transportation Code to permit a municipality of 300 or more people to apply its traffic laws or those of the county in which the municipality is located to the roads of a private subdivision within the municipality. The extension could be requested either by petition of 25 percent of the resident property owners or by ordinance of the governing body of the entity that maintained the subdivision's roads. The municipality's governing body would have to find the extension ordinance to be in the interest of the municipality.

The municipality could extend any or all of the requested traffic rules and could condition the extension upon the subdivision property owners paying

all or part of the costs of the extension and enforcement of the rules, including the cost of any necessary traffic control devices.

Once the traffic rules were extended to the subdivision's roads, those roads would be public highways or streets for enforcement purposes. Also, the municipality would be able to place traffic control devices related to the extended rules on property abutting the private road, provided the owner's consent was obtained or an easement was available.

The bill would take effect on September 1, 2001.

**SUPPORTERS
SAY:**

SB 217 is needed to provide options for traffic enforcement for private subdivisions located within a municipality. As private entities, these subdivisions cannot enforce traffic regulations on their roads themselves.

SB 217 would provide certain subdivisions with an option other than dedicating their roads to a municipality and hoping the municipality would accept them for traffic enforcement purposes. Unlike their unincorporated counterparts, subdivisions with private roads in incorporated areas currently have no way to request that the municipality's (or county's) traffic regulations apply to them other than by completely dedicating their roads to the city. But even such a dedication, which surrenders complete ownership of the roads, does not guarantee that the city will accept the dedication and enforce the traffic rules on them. Further, the city could require significant improvements to the existing roads such as expansion, curbing, striping, or grading before the city accepted a dedication of the road since they would have to maintain the road in the future. This bill would provide subdivisions and cities another option for achieving safer roads without involving the financial issues related to road maintenance.

The bill would maintain the municipality's or county's right to refuse to be responsible for enforcing traffic rules on private roads. Under the bill, the municipality could decide that extending traffic regulations to the private roads was not in its interest and could refuse to do so. Moreover, the bill would provide municipalities that agreed to extend their rules to private roads the ability to recoup their costs from the subdivision.

OPPONENTS
SAY:

The bill unfairly would permit a minority (only 25 percent) of the property owners to petition for the traffic rules to be applied on the subdivision's private roads. This would allow a minority to seek to have the rules applied in the subdivision even if the majority of the residents did not want the rules extended to them or did not want to pay for the traffic devices or other expenses that could be associated with extending the traffic rules within the subdivision.