

- SUBJECT:** Repealing TxDOT complaint procedure about county traffic officers
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 9 ayes — Coleman, Morrison, Berman, Bolton, Castro, J. Davis, Marquez, Sheffield, W. Smith
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Jim Allison, County Judges & Commissioners Association of Texas; Donald Lee, Texas Conference of Urban Counties)
- Against — None
- On — (*Registered, but did not testify:* Carol Rawson, Texas Department of Transportation)
- BACKGROUND:** Transportation Code, sec. 701.006 allows a district engineer of a Texas Department of Transportation (TxDOT) district to send to the corresponding commissioners court a complaint about a county traffic officer who failed to perform the officer's duty. On receipt of the complaint, the commissioners court must hold a hearing and summon the officer to appear. If the commissioners court determines at the hearing that the officer has not performed the officer's duty, the commissioners court has to discharge the officer immediately.
- The code governing the complaint procedures was enacted when TxDOT's predecessor — which ceased existence in 1935 — had responsibility for patrolling and public safety. At present, TxDOT district engineers are charged with overseeing the planning, design, and construction of transportation improvement projects, not with overseeing traffic enforcement.
- DIGEST:** HB 4522 would delete provisions in the Transportation Code that allow a TxDOT district engineer to submit a complaint about a country traffic officer to a county commissioners court and that establish procedures that occur when such a complaint is received.

HB 4522
House Research Organization
page 2

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

NOTES:

The companion bill, SB 376 by Carona, passed the Senate by 31-0 on March 19 and was reported favorably, without amendment, by the House County Affairs Committee on May 12.