

- SUBJECT:** Allowing counties to enforce traffic laws on roads in special districts
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 9 ayes — Phillips, Darby, Y. Davis, Fletcher, Lavender, Martinez, McClendon, Pickett, Rodriguez
- 0 nays
- 2 absent — Bonnen, Harper-Brown
- WITNESSES:** For — Ron Marchant, Denton County Commissioners Court
- Against — None
- BACKGROUND:** Transportation Code, secs. 542.007 and 542.008 allow property owners in a private subdivision in a county with a population of 500,000 or less and a municipality with 300 or more people to petition a county commissioners court to extend traffic rules to roads in the subdivision. The law establishes general requirements for the petition and for an agreement between a private subdivision and a county.
- DIGEST:** HB 2541 would allow the residents of a special district located in the unincorporated area of a county with a population of less than one million to petition the appropriate commissioners court to request that county enforcement of traffic rules on county roads be extended to the district's roads. The petition would have to specify the roads that would be subject to enforcement and the traffic rules that would be enforced. It would have to be signed by at least half the property owners in the area that the roads served.
- The commissioners court would extend county enforcement to some or all of the specified roads if it determined doing so would be in the county's best interest. It could require the special district to pay for all or part of the costs of enforcing traffic rules on the roads as a condition of the agreement. The specified roads would be considered county roads for enforcement purposes upon the county issuing an order through this authority. The county could place related traffic control devices on the roads as it deemed necessary.

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, 2011.

**SUPPORTERS
SAY:**

HB 2541 would allow special districts, such as municipal utility districts and fresh water supply districts, to reach an agreement with a county to apply its traffic laws and enforcement authority to roads in the district. The bill is necessary because an attorney general's opinion (GA-0809) issued in October 2010 determined that the Denton County Commissioners Court had no authority under the Transportation Code to post speed limits, provide restricted traffic areas for school zones, or install traffic control devices within a fresh water supply district in unincorporated Denton County. The opinion also said the district had no authority under the Water Code to post or enforce traffic laws on non-county maintained public roads located in the district.

HB 2541 would provide the necessary statutory authorization to a special district in all but the largest counties in Texas to enter into an interlocal agreement with a county to apply traffic laws and enforcement to the district's roads. The bill would be permissive — it would not mandate participation from a county — and it would allow funding arrangements to offset any fiscal impact to a county for the costs of enforcement. The bill would be building on statutory authority already in the Transportation Code for private subdivisions in counties with a population of less than 500,000.

Current law places special districts in unincorporated areas in a difficult position. They may be unable to reach an agreement with the county to enforce traffic laws and unable to provide their own enforcement. This legal straightjacket can perpetuate dangerous driving conditions in many areas in these districts, including for pedestrians around schools, residences, and public areas. HB 2541 would provide a simple and necessary means to address some of the greater challenges for districts in counties like Denton.

**OPPONENTS
SAY:**

HB 2541 would somewhat arbitrarily restrict the option for a special district to negotiate with a county for traffic enforcement to counties of one million or fewer residents. This would exclude the largest counties in the state, Harris, Dallas, Bexar, and Tarrant, from reaching these agreements. Harris County, in particular, has more than 1.4 million people living in unincorporated county jurisdiction. The issues associated with

special districts in mid-size counties would likely apply to the largest, such as Harris County. If HB 2541 is necessary for counties with a population of more than one million, there is no reason to believe it would not be needed in counties over that limit.