

- SUBJECT:** Traffic regulation in a conservation and reclamation district
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 6 ayes — Phillips, Martinez, Fletcher, Guerra, McClendon, Riddle
2 nays — Y. Davis, Pickett
3 absent — Burkett, Harper-Brown, Lavender
- WITNESSES:** For — Michael Morris, North Central Texas Council of Governments;
(*Registered, but did not testify:* Rick Thompson, Texas Association of Counties; Jerry Valdez, Coats Rose Law Firm; Michael Vasquez, Texas Conference of Urban Counties)
Against — None
- BACKGROUND:** Texas Constitution, Art. 3, Sec. 52 and Art. 16, Sec. 59 govern conservation and reclamation districts.
On October 5, 2010, the Attorney General’s office issued an opinion (GA-0809) that restricted a county’s ability to regulate traffic in a conservation and reclamation district.
- DIGEST:** CSHB 2330 would allow a county with a population greater than 80,000 and less than 130,000 and bordering a county with a population greater than 2 million and less than 4 million, to enter into an interlocal contract with the board of a conservation and reclamation district to apply the county’s traffic regulations to a public road within the county that was owned, operated and maintained by a conservation and reclamation district, if the commissioners court found that it was in the county’s interest to regulate traffic there.
The commissioners court of a county could, by order, apply the county’s traffic regulations to and regulate traffic control devices in restricted traffic zones abutting a public road in the county that was owned, operated, and maintained by a conservation and reclamation district if the commissioners court and the board had entered into an interlocal contract. These public roads would be considered county roads for purposes of

applying traffic regulation.

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, 2013.

**SUPPORTERS
SAY:**

CSHB 2330 would fill a gap in statute to allow the commissioners court of Kaufman County, bordering Dallas County, to enter into an agreement to regulate traffic on public roads within the county that were also in conservation and reclamation districts. The Office of the Attorney General issued an opinion in 2010 that brought into question the ability of county commissioners to regulate roads in unincorporated areas. CSHB 2330 would make clear that the Kaufman County commissioners court could enter into an agreement with the board of the conservation and reclamation district to regulate traffic in the district.

The bill would improve public safety by allowing a county sheriff's office to regulate traffic on public roads in these districts as if they were any other public road. Current law prohibits Kaufman County from regulating traffic around school districts or putting up stop signs to help keep residents safe.

**OPPONENTS
SAY:**

The bill does not specify who would enforce the traffic laws and what kind of training they would have. It is also unclear that the traffic regulators would be sheriff's officers with appropriate training.