

- SUBJECT:** Relating to traffic regulation on certain roads by counties
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 7 ayes — Phillips, Martinez, Fletcher, Guerra, Harper-Brown, McClendon, Riddle
- 3 nays — Y. Davis, Lavender, Pickett
- 1 absent — Burkett
- WITNESSES:** For — Ron Marchant, Denton County; (*Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas)
- Against — None
- BACKGROUND:** Under current law, roads owned or maintained by a special district located in the unincorporated area of a county with a population fewer than one million (all but five counties) may file a petition requesting that county enforcement of traffic rules be extended to the district. The petition has to:
- specify the roads over which county enforcement is sought;
 - specify the traffic rules for which county enforcement is sought;
 - and
 - be signed by 50 percent of property owners in the area served by the roads for which county enforcement is sought.
- DIGEST:** CSHB 3273 would reduce the petition requirement for a special district to request county enforcement of traffic rules to 25 percent in a county with a population between 600,000 and 750,000 (Denton County).
- This 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 2373 would provide a bracketed solution to a problem that has come to light in Denton County.

The 82nd Legislature in 2011 provided a means for special districts — such as conservation and reclamation districts, municipal utility districts, public utility districts, and special utility districts — not subject to traffic enforcement to petition county commissioners courts in most counties to extend the county’s traffic enforcement to district roads. The petition would have to be signed by 50 percent of the property owners in the district. Since 2011, however, it has become clear that this petition requirement for signatures is impractical. Gathering a petition from 50 percent of property owners requires a level of resources and organization that simply is unavailable in many of these small communities.

CSHB 3273 would address this problem with the 2011 law by reducing the petition requirement where the problem has surfaced in Denton County. The bill would retain a still significant minimum signature requirement at 25 percent. Meeting the 25 percent threshold would prove challenging, but possible. Such is not the case with the current threshold.

**OPPONENTS
SAY:**

The 82nd Legislature adopted the 50 percent requirement to ensure that a minority of property owners in a special district could not make a decision that affected everyone in the district. Eroding the high petition threshold would weaken protections against this outcome.

**OTHER
OPPONENTS
SAY:**

The bill would be bracketed to Denton County, but the high petition threshold issue is of statewide importance. The revised petition threshold should be extended to all counties.