

BILL ANALYSIS

Senate Research Center
76R15126 DRH-F

C.S.H.B. 1703
By: Gallego (Madla)
Intergovernmental Relations
5/13/1999
Committee Report (Substituted)

DIGEST

Currently, the state or a political subdivision is not authorized to enforce traffic rules and regulations on private property such as privately-owned subdivisions and gated communities. Residents in some subdivisions may be unable to generate enough revenue to pay the contractors to enforce traffic laws within the subdivision. This bill would authorize a commissioners court of a county to extend traffic rules and regulations to roads in certain private subdivisions.

PURPOSE

As proposed, C.S.H.B. 1703 authorizes a commissioners court of a county to extend traffic rules and regulations to roads in certain private subdivisions.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a commissioners court of a county in SECTION 1 (Section 542.007, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 542A, Transportation Code, by adding Section 542.007, as follows:

Sec. 542.007. TRAFFIC REGULATIONS; PRIVATE SUBDIVISIONS. Authorizes the commissioners court of a county (commissioners court), by order, to extend traffic rules that apply to a county road to the roads of a subdivision located entirely in the unincorporated area of a county in which the roads are privately maintained, on petition of 25 percent of the property owners of the subdivision or at the request of the governing body of the entity that maintains the roads, if the commissioners court finds the order in the interest of the county generally. Requires the petition to specify the traffic rules that are sought to be extended, and authorizes the court order to extend all of the requested traffic rules. Authorizes the commissioner court to require the property owners of the subdivision pay all or part of the cost of extending and enforcing the traffic rules. Provides that on issuance of an order under this Subsection (a), the private roads in the subdivision are considered to be county roads. Authorizes the commissioners court to place official traffic control devices on property abutting the private roads if those devices relate to the specified traffic rule, and the consent of the owner of that property is obtained. Authorizes the governing body of a municipality (governing body) by ordinance to extend any traffic rules of this subtitle to privately maintained roads in a subdivision that is located entirely in the municipality and has 50 or more residents, under certain conditions. Sets forth procedures required to be followed if the governing body does not adopt an ordinance within 90 days after the date the request is made. Sets forth provisions regarding actions and considerations resulting from the governing body's adoption of an ordinance under this section.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.