

BILL ANALYSIS

Senate Research Center
77R1018 DWS-F

S.B. 217
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Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, privately owned roads within a municipality are not usually subject to the municipality's traffic laws. As proposed, S.B. 217 allows municipalities to extend traffic regulations to privately owned roads located within the municipality, and it allows the cost of the extension and enforcement of the traffic rules to be absorbed by the owner of the private road.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 542A, Transportation Code, to add Section 542.008, as follows:

Sec. 542.008. TRAFFIC REGULATIONS: PRIVATE SUBDIVISIONS IN CERTAIN MUNICIPALITIES. (a) Limits the applicability of this section to a subdivision in which the roads are privately owned or maintained that is located in a municipality with a population of 300 or more.

(b) Authorizes the governing body of the municipality, on petition of 10 percent of property owners residing in the subdivision or 10 percent of the residents of the municipality, or on the request of the governing body of the entity that maintains those roads, to extend by ordinance any traffic rules that apply to a road owned by the municipality or by the county in which the municipality is located to the roads in the subdivision. Provides that this ordinance is for the purpose of having the roads of the subdivision and the municipality under the same traffic rules, if the governing body finds the ordinance in the interest of the municipality generally. Requires a petition under this subsection to specify the traffic rules that are sought to be extended. Authorizes the ordinance to extend any or all of the requested rules.

(c) Authorizes the governing body of the municipality, as a condition of extending a traffic rule under Subsection (b), to require that owners of property in the subdivision pay all or part of the cost of extending and enforcing the traffic rules in the subdivision, including the costs associated with the placement of necessary official traffic control devices. Requires the governing body of the municipality to consult with the appropriate law enforcement entity to determine the cost of enforcing traffic rules in the subdivision.

(d) Provides that on issuance of an order under this section, the private roads in the subdivision are considered to be public highways or streets for purposes of the application and enforcement of the specified traffic rules. Authorizes the governing body of the municipality 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 or an easement is available for the placement.

SECTION 2. Effective date: September 1, 2001.