

## **BILL ANALYSIS**

Senate Research Center  
79R2083 JTS-D

H.B. 348  
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Intergovernmental Relations  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The Texas Transportation Code allows persons and neighborhood associations to erect a gate across certain neighborhood and third-class roads. Since the time this code was enacted, these roads have seen increasing amounts of motor vehicle traffic. Several problems have arisen, for instance, farm machinery is larger and needs more room for clearance. The gates also cause unnecessary delay to emergency vehicles. Emergency personnel must stop the vehicle, exit the vehicle, open the gate, get back in the vehicle, drive through the gate, and then get out and close the gate, or be guilty of an offense for failing to close the gate.

The placing of these gates and refusal to move them has led to frequent litigation by counties seeking removal of these gates. H.B. 348 rectifies the situation by requiring the approval of the commissioners court of a county before a gate can be erected.

### **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 Section 251.010, Transportation Code, by adding Subsection (e), to prohibit a person from erecting a gate under this section (Gates on Third-Class and Neighborhood Roads; Offenses) unless the gate is approved by the commissioners court of the county.

SECTION 2. Effective date: September 1, 2005.