

## **BILL ANALYSIS**

Senate Research Center

H.B. 2646  
By: Martinez, "Mando"; Guerra (Hinojosa)  
Transportation  
5/10/2017  
Engrossed

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

Interested parties note confusion regarding the authority of the Texas Transportation Commission (TTC) to acquire certain rights-of-way in relation to recently enacted federal legislation providing federal funding for states to acquire rights-of-way before a final environmental clearance for transportation projects.

H.B. 2646 seeks to address this issue by authorizing TTC to acquire an interest in certain real property before environmental clearance has been issued for the applicable project.

H.B. 2646 amends current law relating to real property acquired by advance acquisition for a transportation facility.

### **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 202.021(b), Transportation Code, to require that real property, except as provided by Subsection (c) (relating to requiring a highway right-of-way to be transferred or sold with certain priorities) and Section 202.113(b), be transferred or sold with certain priorities.

SECTION 2. Amends Sections 202.112(a) and (d), Transportation Code, as follows:

(a) Authorizes the Texas Transportation Commission (TTC) to acquire real property or an interest in real property or purchase an option to acquire real property for possible use in or in connection with a transportation facility before:

(1) creates this subdivision from existing text and makes no further changes; or

(2) environmental clearance has been issued for the transportation facility by the appropriate federal or state authority.

(d) Prohibits an option to acquire real property purchased under this section, rather than this section or Section 227.041 (Powers and Procedures), from expiring later than the fifth anniversary of the date the option was purchased and is authorized to be renewed for subsequent periods that expire not later than the fifth anniversary of the date the option was renewed, by agreement of TTC and the grantor of the option or the grantor's heirs or assigns.

SECTION 3. Amends Section 202.113, Transportation Code, as follows:

Sec. 202.113. DISPOSAL OF SURPLUS PROPERTY. (a) Requires TTC, except as provided by Subsection (b), to dispose of property acquired by advance acquisition that is not needed for a transportation facility in the manner provided by Subchapter B (Sale, Exchange, or Return of Highway Property).

(b) Requires TTC, notwithstanding any other law, to offer property described by Subsection (a) for sale to the person from whom TTC acquired the property at a price that is equal to the lesser of the price TTC paid the person to acquire the property or the fair market value of the property at the time it is offered for sale under this subsection, taking into account any damage to the property.

SECTION 4. Effective date: upon passage of September 1, 2017.