

BILL ANALYSIS

Senate Research Center
86R8383 MP-F

S.B. 2245
By: Paxton
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are two statutes that address a county's authority to regulate traffic in private subdivisions and special districts. Section 791.036, Government Code, permits a county commissioners court to enter into an interlocal contract with a special district to apply the county's traffic regulations to a public road in the county that is owned, operated, or maintained by the district. The other, Section 251.151 of the Transportation Code, permits a county commissioners court to regulate traffic on a county road or on real property owned by the county. Interested parties contend that these differences create confusion about whether a county can extend both traffic regulations and its enforcement of those regulations to a special district's roads by signing an agreement with the special district.

S.B. 2245 would amend both the Transportation Code and the Government Code to clarify that a special district and a county may extend both traffic regulations and county enforcement by means of an interlocal agreement.

As proposed, S.B. 2245 amends current law relating to the enforcement of traffic regulations on a public road that is owned, operated, and maintained by a special district.

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 791.036, Government Code, as follows:

Sec. 791.036. REGULATION OF TRAFFIC IN SPECIAL DISTRICTS. Authorizes the commissioners court of a county (commissioners court) to enter into an interlocal contract with the board of a special district for the county to:

- (1) creates this subdivision from existing text and makes a nonsubstantive change;
and
- (2) enforce certain traffic regulations.

SECTION 2. Amends Section 251.151(b), Transportation Code, as follows:

(b) Authorizes the commissioners court of a county, under the terms of an interlocal contract under Section 791.036, Government Code, to:

- (1) creates this subdivision from existing text and makes a nonsubstantive change;
and
- (2) provide for the enforcement of certain traffic regulations. Deletes existing text authorizing the commissioners court to by order apply the county's traffic regulations to a public road in the county that is owned, operated, and maintained by a special district and located wholly or partly in the county if the

commissioners court and the board of the district have entered into an interlocal contract under Section 791.036, Government Code.

SECTION 3. Effective date: upon passage or September 1, 2019.