

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE C. COUNTY ROADS AND BRIDGES

CHAPTER 280. MISCELLANEOUS PROVISIONS

Sec. 280.001. CONDEMNING RAILROAD ROADBED. The commissioners court of a county may condemn a railroad roadbed on the petition of at least 20 freeholders of an unincorporated community for the purpose of opening, widening, or extending a street in the community.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 280.002. AUTHORITY OF CERTAIN COUNTIES TO REMOVE PROPERTY FROM COUNTY ROADS. (a) In this section, "personal property" includes personal property of any kind or character, including a motor vehicle.

(b) This section applies only to a county with a population of 3.3 million or more.

(c) Except as provided by Subsection (g), a county commissioner may order the removal of personal property by the county from the right-of-way or roadway of a county road if the county commissioner determines the property:

(1) blocks the right-of-way or roadway for at least six hours; or

(2) endangers public safety.

(d) A county commissioner may order the removal of the personal property by the county without the consent of the owner or carrier of the property.

(e) The owner and the carrier of personal property removed under this section shall reimburse a county for the costs of removal and disposition.

(f) Notwithstanding any other provision of law, a county and its officers, agents, and employees are not liable for:

(1) any damage to personal property resulting from its removal or disposal by the county unless the removal or disposal is carried out recklessly or in a grossly negligent manner; or

(2) any damage resulting from the failure to exercise

authority granted under this subchapter.

(g) A county commissioner may not order the removal of personal property of a public utility that is using the right-of-way or roadway of a county road to install, maintain, repair, or otherwise access a facility of the public utility.

Added by Acts 2005, 79th Leg., Ch. 1030 (H.B. 1092), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 295 (H.B. 1420), Sec. 1, eff. June 15, 2007.

Sec. 280.003. STREET LIGHTS IN SUBDIVISION LOCATED IN CERTAIN COUNTIES. (a) This section applies only to the unincorporated area of a county that has any of its territory located within 150 miles of an international boundary.

(b) The commissioners court of a county may by order provide for the establishment of street lights along a county road located in a subdivision. The order may provide for:

(1) the installation, operation, and maintenance of the street lights by:

(A) the county; or

(B) another public or private entity with which the county may contract;

(2) the imposition of a fee on landowners in the subdivision who benefit from the street lights;

(3) the collection of a fee imposed under this subsection by the county tax assessor-collector; and

(4) any other matter the commissioners court finds necessary to the installation, operation, or maintenance of the street lights.

(c) This section does not supersede applicable provisions for street light service contained in the tariff of an electric utility that provides service to the subdivision.

(d) The county tax assessor-collector of a county in which a fee is imposed under this section shall include the fee in the tax bill prepared under Section 31.01, Tax Code, for each landowner whose real property is benefited by the street lights for which the

fee is imposed. The tax bill must separately state the amount of the fee imposed under this section. The county tax assessor-collector shall collect the fee for the county in the same manner that the county tax assessor-collector collects ad valorem taxes for the county.

(e) A commissioners court may obtain a lien against real property benefited by the street lights for which a fee is imposed under this section to secure payment of the fee. To obtain the lien, the commissioners court must file a notice with the county clerk of the county in which the property is located that includes:

(1) a statement that the fee has been imposed on the landowner and the amount of the fee;

(2) a legal description of the property on which the lien is to be attached sufficient to identify the property; and

(3) the name of the landowner, if known.

(f) The lien authorized by this section exists in favor of the county. The lien attaches to the real property on the date the notice of lien is filed with the county clerk. The lien is inferior to a mortgage lien recorded with the county clerk before the date the lien authorized by this section attaches to the property. A county may not foreclose a lien authorized by this section if the lien is the only lien attached to the property.

Added by Acts 2007, 80th Leg., R.S., Ch. 1183 (H.B. 573), Sec. 1, eff. June 15, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 660 (H.B. 3002), Sec. 1, eff. September 1, 2015.