

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE F. PRIVATE CAUSEWAYS, FERRIES, AND CERTAIN TOLL BRIDGES

CHAPTER 341. PRIVATE CAUSEWAYS

Sec. 341.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Railroad Commission of Texas.

(2) "Structure" means a combination bridge, dam, dike, or causeway.

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

Sec. 341.002. GENERAL AUTHORITY TO ACT. Subject to Chapter 33, Natural Resources Code, an individual, corporation, or association may purchase, build, own, maintain, and operate a structure across an arm, inlet, or saltwater bay of the Gulf of Mexico located entirely in this state to provide a causeway for vehicles, pedestrians, and railroads.

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

Sec. 341.003. CAUSEWAY CORPORATION. (a) A corporation may be formed and chartered under this chapter, Title 32, Revised Statutes, the Texas Business Corporation Act, or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) for the purposes provided by Section 341.002.

(b) The corporation:

(1) is subject to regulation by the commission in regard to the powers and provisions of this chapter;

(2) may contract to convey to an individual or another corporation an easement for the use of its structure;

(3) may impose a reasonable toll for the use of the structure; and

(4) may not discriminate in the time for handling or in the amount charged for a toll.

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

Sec. 341.004. STATEMENT OF LOCATION; PRIORITY. (a) Not

later than the 90th day after the date the building of a structure begins, the individual, corporation, or association that owns the structure shall file for record with the clerk of the county in which the greater part of the structure is located:

(1) a sworn statement showing:

(A) the location of the structure;

(B) the name and size of the structure;

(C) the name of the body of water the structure will cross;

(D) the date the work began; and

(E) the name of the individual, corporation, or association; and

(2) a map designating the location of the structure.

(b) The right of the individual, corporation, or association to build the structure relates back to the time of the filing of the statement and the map, and the first individual, corporation, or association to file has priority over a subsequent filing.

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

Sec. 341.005. ACQUIRING NECESSARY PROPERTY. (a) An individual, corporation, or association authorized to act by this chapter may acquire by purchase or by the exercise of the right of eminent domain any approach the individual, corporation, or association considers necessary for a structure.

(b) Subject to Chapter 51, Natural Resources Code, the state grants to an individual, corporation, or association acting as authorized by this chapter 500 feet on each side of the structure with the right only to dredge from that area or beyond for material required to construct or maintain the causeway.

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

Sec. 341.006. LEASING OF STRUCTURE. (a) The individual, corporation, or association that owns a structure may lease the right-of-way over the structure to:

(1) a municipality for public utilities owned and operated by the municipality; or

(2) a corporation to construct railroad tracks to operate a steam or electric train or car.

(b) An individual, corporation, or association by leasing the right-of-way may not:

(1) obstruct or interfere with a pedestrian's or vehicle's use of the structure; or

(2) permit a monopoly.

(c) The commission may prescribe the terms of a lease to a railroad corporation.

(d) If approved by the commission, a corporation that leases the right-of-way over the structure may:

(1) contract with the individual, corporation, or association that owns the structure to pay all money due under the contract; and

(2) issue and sell bonds up to the amount of its obligation to the individual, corporation, or association.

(e) A railroad corporation that leases the right-of-way over the structure may only charge for the use of the tracks as a part of mileage according to statutory rates and the general laws of this state.

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