

TRANSPORTATION CODE

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 may remove personal property from the right-of-way or roadway of a county road if the county determines the property:

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

(2) endangers public safety.

(d) A county may remove the personal property 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 may not remove 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, Sec. 1, eff. Sept. 1, 2005.