



TEXAS MUNICIPAL LEAGUE

Empowering Texas cities to serve their citizens

President **David Rutledge**, Mayor, Bridge City
Executive Director **Bennett Sandlin**

April 19, 2023

The Honorable DeWayne Burns
Chairman, Texas House Land and Resource Management Committee
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Burns:

I am writing on behalf of the Texas Municipal League (TML) to express our strong opposition to **House Bill 3699** by **Representative Wilson**. This legislation poses serious threats to the integrity of the plat approval process, the efficiency and safety of local road networks, and the adaptability and diversity of road design in Texas. By prioritizing landowner interests over community needs and narrowing the scope of land-use protections, this bill undermines the essential role cities play in fostering functional, connected, and aesthetically pleasing communities. TML strongly urges the committee to consider the far-reaching consequences of H.B. 3699 and reject this legislation in favor of maintaining a balanced system that safeguards the health, safety, well-being, and intentions of all Texans.

Narrowing Land-Use Protections and Generating Conflicts

Under current law, cities must approve plats that “satisfy all applicable regulations.”¹ H.B. 3699 seeks to amend this language, requiring approval for plats that meet “the requirements of this subchapter.” This change introduces two issues. First, it appears to narrow the range of land-use protections cities can require developers to comply with, limiting them to specific regulations within Subchapter A, Chapter 212, Texas Local Government Code (the Subchapter). It is worth noting that Texas cities regulate various aspects through the platting process that may not be explicitly found in this Subchapter, such as stormwater management, utility connectivity, landscaping requirements, and more. Second, a related concern arises within the Subchapter itself, wherein cities have the authority to reject a plat application if it does not comply with a “statute or municipal ordinance” that is “directly related” to the Subchapter’s requirements.² The new language generates ambiguity and potential conflict: under H.B. 3699, should a city reject an application for noncompliance with a related statute, or approve it because the regulation isn’t explicitly stated in the Subchapter? While H.B. 3699 may only add confusion to the platting process, litigators will likely be eager to resolve these issues in court, at considerable expense to Texas taxpayers.

¹ See Tex. Loc. Gov’t Code § 212.005.

² *Id.* at § 212.0091(b)(1).

The Detrimental Impact of H.B. 3699 on Texas Road Networks

This bill significantly alters the law concerning the dedication of roadways. When a landowner seeks to develop property to accommodate more residents, cities often require them to dedicate a portion of land for public use, such as roads, parks, or utilities, roughly proportional to the impact of the new residents. This “rough proportionality” principle ensures that existing residents don’t bear an unfair burden for services required by newcomers. A concept that has been part of Texas law for nearly 20 years, rough proportionality ensures growth bears its own costs. The true costs of development include non-monetary items such as the increased burden placed on the entire city’s road network and the increased burden on emergency response. New development in one area of a city can impact the entire city, so the owner of that development must help bear that cost.

A major purpose of municipal roadway dedication regulation is to ensure intelligent roadway connectivity that improves ingress and egress from the new development and helps maintain a thoughtful and functional road network within the broader city community. Allowing dedications only when the local landowner agrees will undermine the efficiency of local road networks, which affects all residents. Additionally, without community oversight of internal road connections, emergency response could be more difficult if streets are designed to maximize lot size and landowner profit rather than connection. By allowing dedication and right of way regulation to occur only upon agreement of a particular landowner, H.B. 3699 fails to recognize the broader impact development has on local communities and values one individual to dictate the health and safety of many more Texans inside and outside the boundaries of their development.

Moreover, for a city to require a road within a new development to be dedicated, it must have adopted a “capital improvement plan” that includes the street or alleyway. The bill lacks detail, but it seems to require cities to plan out all potential roadways in advance and refer to this plan when evaluating plat applications. This provision could result in considerable wasted time. Some cities may attempt to create such plans to maintain coherent connections within and between subdivisions, but it is important to note that landowners are not obligated to follow these plans. Under H.B. 3699, if a developer doesn’t intend to dedicate roadways or wants a different internal road network, no dedication can be required – even if the city has adopted a conforming capital improvement plan.

Eliminating municipal roadway dedication authority may lead to fewer internal roadway connections in urban subdivisions. While this approach may benefit a few landowners financially by allowing them to sell more lots, it could result in neighborhoods with poor connectivity and dead ends. Although such limited access may be acceptable in most circumstances, it becomes problematic when emergency services cannot quickly reach a location due to inadequate road design. The removal of municipal roadway dedication authority is dangerous, and we urge lawmakers to value the safety of future Texans and the quality of Texas cities over short-term financial interests.

Stifling Adaptability in Road Design

H.B. 3699 establishes minimum and maximum right of way and roadway widths for “main artery” and “collector” roads, an approach that poses health, safety, aesthetic, and design concerns. Factors such as roadway drainage profiles, infrastructure installations, multimodal components, acceleration and deceleration lanes, intersection requirements, and turn lanes necessitate adaptable

roadway widths based on local conditions. Additionally, uniform restrictions could result in a lack of diversity in road design, potentially limiting features like medians, street trees, or bike lanes that Texans value in their communities. Developers aiming to create unique spaces, including broad parkways, could face difficulties conforming to these requirements as well. Statewide limits on arterial and collector roads overlook the uniqueness of Texas cities and distinct challenges of construction, issues H.B. 3699 fails to address.

In conclusion, H.B. 3699 poses serious threats to the integrity of the plat approval process, the efficiency and safety of local road networks, and the adaptability and diversity of road design in Texas. By prioritizing landowner interests over community needs and narrowing the scope of land-use protections, this bill undermines the essential role municipalities play in fostering functional, connected, and aesthetically pleasing communities. TML strongly urges the committee to consider the far-reaching consequences of H.B. 3699 and reject this legislation in favor of maintaining a balanced system that safeguards the health, safety, well-being, and intentions of *all* Texans.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monty Wynn', with a stylized flourish at the end.

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League