H.B. 40 makes city drilling rules unenforceable
Who will stand up for the rights of Texas homeowners?

It’s not just about Denton anymore. The oil and gas industry is using the voter initiated and approved fracking ban in Denton as an opportunity to attack the drilling ordinances in every Texas city. Industry lobbyists claim H.B. 40 would still let cities require buffer zones between wells and homes and regulate noise, traffic, lights and other surface activities. But don’t believe it: READ THE BILL LANGUAGE!

Here’s what HB 40 says:

• “The authority of a municipality or other political subdivision to regulate an oil and gas operation is expressly preempted.”
• “An oil and gas operation is subject to the exclusive jurisdiction of the state.”
• Cities can regulate “only surface activity that is incident to an oil and gas operation” but only if the city ordinance “permits a reasonably prudent operator to fully, effectively, and economically exploit, develop, produce, process, and transport oil and gas.”

So, what kind of city ordinances would restrict an operator’s ability to “fully, effectively and economically exploit” oil and gas? The answer is the kind of ordinances cities have adopted to protect the health, safety, and property rights of their citizens. Here are some examples:

• The City of San Angelo prohibits drilling within 400 feet of a residence or building, requires trucks to use designated routes, requires a city permit and posting of a $200,000 bond if necessary to remedy damage to streets, water, and sewer lines and any other public property.
• The City of Midland prohibits drilling within 500 feet of any occupied residence or commercial building, and the city council must consider 14 factors in approving a permit, including “whether the permit, if granted, will have a material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity.”
• The City of Corpus Christi prohibits drilling within 400 feet of a residence, school, or hospital, prohibits drilling along the bay front and puts special restrictions on drilling in marine park areas.
• The City of Eastland prohibits drilling within 1,000 feet of a residence, 500 feet of any park, and 200 feet of a fresh water well and requires that site preparation, construction, well-servicing and deliveries be conducted between 6:00 a.m. and 7:00 p.m.

Hundreds of cities in Texas have adopted drilling regulations because their citizens demand that their families be safe in their homes and their children be safe at school. Under H.B. 40, these city ordinances would be struck down for preventing a drilling company to “fully, effectively, and economically exploit” oil and gas.

H.B. 40 gives drilling companies unrestricted rights at the expense of homeowner rights

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