

# **Bond Case Briefs**

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## **Texas Bill Would Take Away Eminent Domain Power for Private Road Builder.**

A bill introduced in the Texas legislature would strip the Texas Turnpike Corp. of its eminent domain authority, preventing it from building a private toll road northeast of Dallas.

The company was founded one day before the legislature's 1991 repeal of a law allowing private toll road companies to use eminent domain to build private highways went into effect.

"They're the only private company that is currently able to do this kind of turnpike because they fall under grandfathered rights," state Rep. Cindy Burkett (R), who filed House Bill 565, told the Texas Tribune. No other company that would be impacted by her bill, her staff discovered.

The state has used P3s to build many new highways in recent years, allowing companies to build, operate and maintain the projects, but in those P3s, the state maintains ownership of the property.

The Texas Turnpike Corp.'s bid to build the Northeast Gateway on the northern outskirts of Dallas faced strong opposition from the public.

"There was no justifiable transportation need ... and it was a private company trying to take private land," said Christopher Kurinec, a resident who opposed the plan. "I think those things combined really undid it."

The North Central Texas Council of Governments reversed an earlier recommendation to approve the toll road and the firm is no longer moving ahead with the project.

NCPPP

By Editor January 22, 2015