



STATE GOVERNMENT and MULTIJURISDICTIONAL PLANNING

Most states are prevented from enacting local and specific legislation that applies selectively to specific jurisdictions. For example, Article III, Section 56 of the Texas Constitution prohibits the legislature from enacting local and special legislation; that is, it cannot explicitly make legislation that applies selectively in specific jurisdictions. However, the state of the practice has shown that legislators have historically circumvented these provisions using a technique called “bracketing,” in which they set ostensibly germane requirements such as population and date of creation, with the effect of creating laws that apply only to specific jurisdictions.

Use of bracketing over long periods has resulted in a patchwork of policies varying by jurisdiction, reducing consistency and making cross-jurisdictional cooperation more difficult. In transportation, this has been used to restrict the activities that transit agencies can conduct, and some would argue stymie efficient multimodal transportation options.

This project will review provisions within selected megaregion states constitutions and legislation and regulations, and litigation surrounding bracketing to map its breadth and effectiveness in restricting efficient multi modal mobility options. The project will review the Texas constitutional prohibition against special legislation, and will also survey similar provisions in other states and select several states with different special legislation jurisprudence to conduct a comparative review of the effects of different levels of restriction. The project will generate a set of judicial recommendations for how these provisions should be interpreted to facilitate good transportation policy, as well as some suggestions for how these issues might be reconciled legislatively.

Using State Government to
Mitigate the Effects of Bracketing
on Multijurisdictional
Transportation Planning
(#CM2-33)

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Project Information Form:
[http://sites.utexas.edu/cm2/
files/2018/06/Year-3-Lisa-Loftus-Otway-Effects-of-Bracketing-on-Multijurisdictional-Transportation-Planning.pdf](http://sites.utexas.edu/cm2/files/2018/06/Year-3-Lisa-Loftus-Otway-Effects-of-Bracketing-on-Multijurisdictional-Transportation-Planning.pdf)



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*Texas has a long history of
bracketing in legislation ...
Jurisdictional complexity and legal
inconsistency between jurisdictions
burden transportation planners
ability to effectively plan for mobility
and impact commuters who rely on
them to provide network efficiencies.*
