

(b) The council is composed of representatives from trail user groups, representatives from various levels of government, and private citizens. Members of the council serve without compensation, but may receive reimbursement for expenses incurred in performing council functions as set by legislative appropriation.

(c) Members of the council serve at the pleasure of the commission in an advisory capacity.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

#### § 25.004. Classification

(a) The department shall classify trails in the system according to the classifications established in this section. A trail may have more than one classification or may be composed of several trails with different classifications. A trail may not include the main travelway portions of highways, roads, or streets that are provided primarily for motor vehicle traffic or motor vehicle travel routes that exist or may be established on such travelways.

(b) A recreational trail is a trail that:

- (1) is in or near an urban area; and
- (2) is primarily used for recreational or health benefits.

(c) A scenic trail is a trail that:

- (1) is in a rural or urban area;
- (2) is in an area containing natural and scenic qualities of at least regional significance; and
- (3) is primarily used for enjoyment of its scenic qualities and vistas, such as travel through or to a natural environment.

(d) A historic trail is a trail that:

- (1) is in a rural or urban area;
- (2) provides access to or between historic sites, structures, or monuments of regional or statewide significance; and
- (3) is used primarily for its historic connotations, such as the significance of a historic structure or the presentation of a historic episode.

(e) An expedition trail is a trail that:

- (1) is in a rural area;
- (2) provides extended travel through scenic and natural areas of regional or statewide significance; and
- (3) may require some travel preparation.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

#### § 25.005. Report

The department shall submit a report on the status and condition of the Texas Trails System to the governor and the legislature not later than October 1 of each even-numbered year, and shall make the report available to the public.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

### CHAPTER 26. PROTECTION OF PUBLIC PARKS AND RECREATIONAL LANDS

#### Section

- 26.001. Protected Land; Notice of Taking.
- 26.002. Notice of Hearing.
- 26.003. Limitations on Judicial Review.
- 26.004. Excluded Lands.

#### § 26.001. Protected Land; Notice of Taking

(a) A department, agency, political subdivision, county, or municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park, recreation area, scientific area, wildlife refuge, or historic site, unless the department, agency, political subdivision, county, or municipality, acting through its duly authorized governing body or officer, determines that:

(1) there is no feasible and prudent alternative to the use or taking of such land; and

(2) the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking.

(b) A finding required by Subsection (a) of this section may be made only after notice and a hearing as required by this chapter.

(c) The governing body or officer shall consider clearly enunciated local preferences, and the provisions of this chapter do not constitute a mandatory prohibition against the use of the area if the findings are made that justify the approval of a program or project.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

#### § 26.002. Notice of Hearing

(a) When any program or project requires notice and a public hearing before approval, the notice must be given in writing to the person, organization, department, or agency that has supervision of the land proposed to be used or taken.

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(b) The notice must state clearly the proposed program or project and the date and place for the public hearing. The notice must be given at least 30 days before the date for the public hearing.

(c) Notice must also be given to the public by publishing a notice similar to that specified in this section once a week for three consecutive weeks. The last days of publication must not be less than one week or more than two weeks before the date of the hearing. The notice must be published in a newspaper of general circulation, which paper must be published at least six days a week in the county where the land proposed to be used or taken is situated.

(d) If there is no newspaper that qualifies under Subsection (c) of this section, the notice must be published in a qualifying newspaper that is published in any county adjoining the county where the land is situated. If there is no qualifying newspaper published in any adjoining county, then the notice must be published in a qualifying newspaper published in the nearest county to the county where the land is situated. If there is no qualifying daily newspaper published therein, the notice must be published in any newspaper of general circulation published in the political subdivision affected. If no newspaper is published in the political subdivision, the notice must be published in a newspaper published in the political subdivision nearest the political subdivision affected.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

### § 26.003. Limitations on Judicial Review

A petition for the judicial review of the approval or disapproval of a program or project under this chapter must be filed within 30 days after the approval or disapproval is announced, or the review is barred.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

### § 26.004. Excluded Lands

A department, agency, board, or political subdivision having control of the public land is not required to comply with this chapter if:

(1) the land is originally obtained and designated for another public use and is temporarily used as a park, recreation area, or wildlife refuge pending its use for the originally designated purpose;

(2) the program or project that requires the use or taking of the land being used temporarily as a park, recreation area, or wildlife refuge is the

same program or project for which the land was originally obtained and designated; and

(3) the land has not been designated by the department, agency, political subdivision, county, or municipality for use as a park, recreation area, or wildlife refuge before September 1, 1975.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

## TITLE 4. WATER SAFETY

### CHAPTER 31. WATER SAFETY

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##### Section

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#### SUBCHAPTER B. IDENTIFICATION OF MOTORBOATS; REQUIRED NUMBERING

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#### SUBCHAPTER B-1. CERTIFICATES OF TITLE FOR MOTORBOATS AND OUTBOARD MOTORS.

- 31.045. Ownership of Motorboats and Outboard Motors; Certificates of Title.
- 31.046. Application for Certificate of Title.