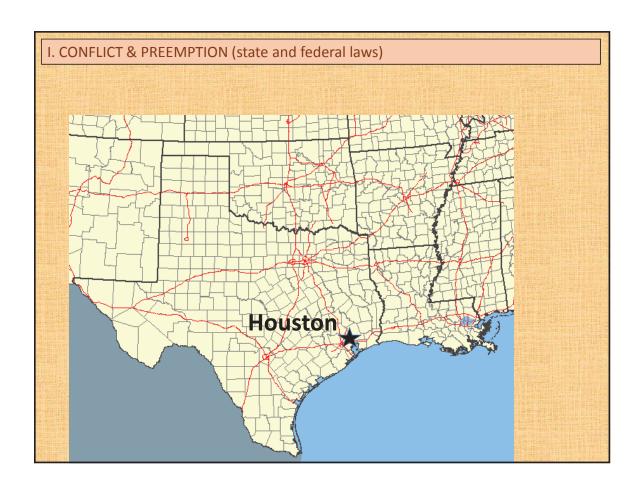


Presented Land Use Conference

University of Texas School of Law, CLE March 2018 Austin, Texas



I. CONFLICT & PREEMPTION (state and federal laws)

City of Houston v. Southern Crushed Concrete 398 S.W.3d 676 (Tex. 2013)

• City ordinance:

Restricted locations for concrete crushers



• Ruling:

City could not make unlawful a condition or act approved or authorized under the Texas Clean Air Act or TCEQ rules

I. CONFLICT & PREEMPTION (state and federal laws)

• Executive:

Governor calls for specific preemptions and even categorical preemption

Attorney General opinions

I. CONFLICT & PREEMPTION (state and federal laws)

• Legislative:

2015 bill preempted local regulation of oil and gas exploration, production, processing, transporting, etc., including, e.g. "fracking"

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• Legislative:

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2017 preemptive bills:

- ---Uber-Lyft regs
- --- "bathroom" bill
- ---tax levy bill
- ---vested-rights
- ---tree ordinances
- ---manufactured housing
- ---cellular facilities in public ROW (etc.)





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