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OCT 17 2003
OPINION COMMITTEE

Teri Avery
Chief Clerk

E2.140
512-463-2090

October 15, 2003

The Honorable Greg Abbott, Attorney General
State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-43304-03
I.D. # 43304

RQ-0119-GA

Re: Request for Opinion regarding whether Chapter 79, Civil Practice and Remedies Code, as amended by SB513 in the 78th Regular Session of the Legislature provides liability protection to an ad-hoc committee in El Paso.

Dear General Abbott:

A question has been raised whether members of an ad-hoc committee organized for designing an emergency reroute plan for I-10 in El Paso County would be immune from any civil liability under Chapter 79 of the Civil Practice and Remedies Code. The committee's official name is the Ad-hoc Committee of the IH-10 Incident Management Plan. It is composed of city, county and state officials who represent the police, fire, and sheriff's departments, the City of El Paso, Texas Department of Public Safety and Texas Department of Transportation.

The committee's concern is having to reroute hazardous material cargo off hazmat routes onto city streets in case an emergency would force the freeway to be closed. The ad-hoc committee meets two requirements under SB 513:

- The type of emergency that would shut down the freeway would be either a man made or natural disaster.
- The authorized government official is the El Paso City/County Emergency Management Team asking the ad-hoc committee for assistance, in this case, to design an emergency operations plan.

By meeting these two requirements, is the ad-hoc committee protected from civil liability under Chapter 79, Civil Practice and Remedies Code, as amended by Acts of the 78th Legislature.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe Nixon".

Joe Nixon, Chair
House Committee on Civil Practices