

**TAKINGS IMPACT ASSESSMENT:
ADOPTION OF PROCEDURES AND REQUIREMENTS
FOR MASS GATHERINGS PERMITS**

This takings impact assessment is prepared using the series of questions in the Private Real Property Rights Preservation Act Guidelines ("Guidelines") promulgated by the Attorney General's Office under Chapter 2007 of the Texas Government Code (the "Act"). The proposed action is Travis County's adoption of procedures and requirements regarding mass gatherings permits.

Guidelines Question 1: Is Travis County a governmental entity covered by the Act?

Yes.

Guidelines Question 2: Is the proposed action covered by the Act?

Yes.

Guidelines Questions 3 and 5: Does the proposed action result in a burden on private real property as that term is defined in the Act? How does it burden private real property?

Yes. The proposed action burdens private real property because it may cause some property owners to delay plans for conducting mass gatherings on their property. However, the proposed procedures and requirements will not cause the value of private real property to be reduced by 25% or more.

Property owners and event promoters must comply with the proposed procedures and requirements in order to obtain a mass gathering permit from the County Judge. On the other hand, the proposed procedures and requirements will clarify and streamline the process for applicants seeking mass gathering permits. Instead of providing information to multiple County departments for review, applicants will, if these procedures and requirements are adopted, submit all required information to the Travis County Fire Marshal's Office. The Travis County Fire Marshal's Office would then disseminate the submitted information to various County departments for review.

Guidelines Questions 4 and 6: What is the specific purpose of the proposed action? How does it benefit society?

Texas Health and Safety Code Section 751.002 defines a mass gathering as a gathering:

- (A) that is held outside the limits of a municipality;
- (B) that attracts or is expected to attract:
 - (1) more than 2,500 persons; or
 - (2) more than 500 persons, if 51 percent or more of those persons may reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; and
- (C) at which the persons will remain:
 - (1) for more than five continuous hours; or
 - (2) for any amount of time during the period beginning at 10 p.m. and ending at 4 a.m.

Thus, by definition, mass gatherings involve large numbers of people gathered together in one place at one time. It is important to the public's health, safety, and welfare as well as the health, safety, and welfare of mass gathering attendees, and of persons with residences or businesses near mass gathering events for, among other things:

- (1) the location of a mass gathering to be adequate to handle the event,
- (2) sufficient preparations to limit the number of persons attending and to provide adequate supervision for minors, if any, attending the event,
- (3) sufficient preparations to ensure that sanitation and health standards will be maintained at the event,
- (4) sufficient preparations to be made for medical care and nursing care for the event,
- (5) sufficient preparations to be made for controlling traffic before, during, and after the event,
- (6) sufficient preparations to be made to ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected.

The number of applications for mass gathering permits in Travis County has increased significantly in recent years. In public hearings held this year regarding applications for mass gathering permits, concerns were raised about excessive noise, light, and dust from mass gathering events.

The purpose of the proposed procedures and requirements is to streamline and clarify the process for applicants seeking mass gathering permits. The proposed procedures and requirements will benefit society by making the mass gathering permit application

process easier to understand for landowners, event promoters, members of the public, and the County agencies charged with investigating preparations for mass gatherings. The proposal to designate the Travis County Fire Marshal's Office as the coordinating agency for receipt of applications for mass gathering permits will make the permitting process more efficient for applicants and more efficient for the various County departments charged with investigating applicants' preparations for mass gatherings.

Clarifying the timeline and requirements for mass gathering permits will make it easier:

- (1) for permit applicants, property owners, neighbors, and members of the public to understand what information must be submitted with each mass gathering application,
- (2) for the various County departments to conduct investigations regarding each applicant's preparations for a mass gathering; and
- (3) for the County Judge to determine it is necessary to conduct additional investigations regarding the application and whether to grant or deny a mass gathering permit.

Guidelines Question 7: Will the proposed action constitute a taking?

Even if the amendments are not exempt, they do not constitute a taking. The amendments do not eliminate all viable uses of any private real property. Indeed, the properties on which past mass gatherings have been held are primarily used for ranching, farming, residential, and other purposes besides being used occasionally as venues for mass gatherings.

Guidelines Question 8: Are there reasonable alternatives to the proposed action that would accomplish its purpose?

An alternative to the proposed procedures and requirements is:

- (1) To continue to not have any written formal procedures for mass gathering permits
- (2) For applicants for mass gathering permits to have to continue submitting information to multiple County departments instead of just to the Travis County Fire Marshal's Office; and
- (3) To not have a comprehensive application form that sets forth all the information that an applicant must submit to the County.