

Amend CSSB 1952 (House committee printing) by adding the following appropriately numbered ARTICLE to PART 8 of the bill and renumbering subsequent ARTICLES in PART 8 accordingly:

ARTICLE \_\_. CONSTRUCTION NEAR PIPELINE

SECTION \_\_. Chapter 756, Health and Safety Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. CONSTRUCTION AFFECTING PIPELINE EASEMENTS AND RIGHTS-OF-WAY

Sec. 756.101. DEFINITIONS. In this subchapter:

(1) "Construction" means a building, structure, driveway, roadway, or other construction any part of which is physically located on, across, over, or under the easement or right-of-way of a pipeline facility or that physically impacts or creates a risk to a pipeline facility.

(2) "Constructor" means a person that builds, operates, repairs, replaces, or maintains a construction or causes a construction to be built, operated, repaired, maintained, or replaced.

(3) "Pipeline facility" means a pipeline used to transmit or distribute natural gas or to gather or transmit oil, gas, or the products of oil or gas.

Sec. 756.102. APPLICABILITY. This subchapter applies to a construction or the repair, replacement, or maintenance of a construction unless there is a written agreement, including a Texas Department of Transportation right-of-way agreement, to the contrary between the owner or operator of the affected pipeline facility and the person that places or causes a construction to be placed on the easement or right-of-way of a pipeline facility.

Sec. 756.103. PROHIBITION OF CONSTRUCTION WITHOUT NOTICE. A person may not build, repair, replace, or maintain a construction on, across, over, or under the easement or right-of-way for a pipeline facility unless notice of the construction is given the operator of the pipeline facility and:

(1) the operator of the pipeline facility determines that the construction will not increase a risk to the public or increase a risk of a break, leak, rupture, or other damage to the pipeline facility;

(2) if the operator of the pipeline facility determines that the construction will increase risk to the public or the pipeline facility, the constructor pays the cost of the additional fortifications, barriers, conduits, or other changes or improvements necessary to protect the public or pipeline facility from that risk before proceeding with the construction; or

(3) the building, repair, replacement, or maintenance is conducted under an existing written agreement.

Sec. 756.104. NO NOTICE REQUIRED IN EVENT OF NATURAL DISASTER. A person may build, repair, replace, or maintain a construction on, across, over, or under the easement or right-of-way for a pipeline facility without notice if the building, repair, replacement, or maintenance is required to be done promptly by a regulated utility company because of the effects of a natural disaster.

SECTION \_\_. The change in law made by Subchapter G, Chapter 756, Health and Safety Code, as added by this article, applies only to an activity described by Section 756.103, Health and Safety Code, as added by this article, that is initiated on or after the effective date of this Act.