

BILL ANALYSIS

Senate Research Center

S.B. 487
By: Ogden
Infrastructure Development and Security
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Enrolled

DIGEST AND PURPOSE

Highway and bridge projects often involve relocating utility lines and facilities that are used in producing, transmitting, or distributing communications, electricity, natural gas, water, and sewage. Disrupted service and increased costs associated with these projects may occur if the lines and facilities are not relocated in a timely manner. Delays in relocating utilities also may cause construction work to be rescheduled or delayed, or result in contractor claims or litigation. Safety concerns may also arise from leaving excavation sites open while conflicts are resolved. S.B. 487 establishes the procedure for a utility and the Texas Department of Transportation to enter into an agreement to relocate a utility facility to accommodate an improvement to the state highway system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 203, Transportation Code, by adding Section 203.0935, as follows:

Sec. 203.0935. TIMELY AGREEMENT. (a) Requires the utility and the Texas Department of Transportation (TxDOT), if TxDOT determines that a facility of a utility must be relocated to accommodate an improvement to the state highway system, to negotiate in good faith to establish reasonable terms and conditions concerning the responsibilities of the parties with regard to sharing of information about the highway improvement project and the planning and implementation of any necessary relocation of utility facilities.

(b) Requires TxDOT to use its best efforts to provide an affected utility with plans and drawings of the highway improvement project that are sufficient to enable the utility to develop plans for, and determine the cost of, the necessary relocation of the utility facility. Requires the terms and conditions of the agreement, if TxDOT and the affected utility enter into an agreement after negotiations under Subsection (a), to govern the relocation of the utility's facility covered by the agreement.

(c) Requires TxDOT, if TxDOT and an affected utility do not enter into an agreement under Subsection (a), to provide certain information to the affected utility.

(d) Requires the utility, not later than the 90th day after the date that a utility receives written notice from TxDOT, including the plan and agreement terms and conditions under Subsection (c), to enter into an agreement with TxDOT that provides for the relocation.

(e) Authorizes TxDOT, if the utility fails to enter into an agreement within the 90-day period under Subsection (d), to relocate the facility at the sole cost and expense of the utility, less any reimbursement of costs that would have been payable to the utility under Section 203.092 (Reimbursement for Relocation of Utility Facilities). Requires a relocation by TxDOT under this subsection to be

conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

(f) Authorizes the 90-day period under Subsection (d) to be extended under certain circumstances.

SECTION 2. Effective date: upon passage or September 1, 2003.