

By: West

H.B. No. 1843

Substitute the following for H.B. No. 1843:

By: Keffer of Dallas

C.S.H.B. No. 1843

A BILL TO BE ENTITLED

AN ACT

relating to notice requirements for and risk assessment and prevention in relation to construction around a pipeline facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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

1 Department of Transportation right-of-way agreement, to the  
2 contrary between the owner or operator of the affected pipeline  
3 facility and the person that places or causes a construction to be  
4 placed on the easement or right-of-way of a pipeline facility.

5 Sec. 756.103. PROHIBITION OF CONSTRUCTION WITHOUT NOTICE.

6 A person may not build, repair, replace, or maintain a construction  
7 on, across, over, or under the easement or right-of-way for a  
8 pipeline facility unless notice of the construction is given the  
9 operator of the pipeline facility and:

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

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

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

22 (4) the building, repair, replacement, or maintenance  
23 is required to be done promptly by a regulated utility company  
24 because of the effects of a natural disaster.

25 SECTION 2. (a) This Act takes effect immediately if it  
26 receives a vote of two-thirds of all the members elected to each  
27 house, as provided by Section 39, Article III, Texas Constitution.

1 If this Act does not receive the vote necessary for immediate  
2 effect, this Act takes effect September 1, 2003.

3 (b) The change in law made by Subchapter G, Chapter 756,  
4 Health and Safety Code, as added by this Act, applies only to an  
5 activity described by Section 756.103, Health and Safety Code, as  
6 added by this Act, that is initiated on or after the effective date  
7 of this Act.