

By: West

H.B. No. 1843

A BILL TO BE ENTITLED

AN ACT

for the purpose of creating notice provisions prior to construction on, over, across or under a pipeline facility and for the determination of whether such construction will increase a risk to the public or a risk of damage to the facility and providing for the construction of such barriers to prevent that risk.

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

SECTION 1. Chapter 756, Health and Safety Code is amended by adding Subchapter E:

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

Sec. 756.051. APPLICABILITY. (a) This Section applies to any construction, repair, replacement or maintenance of any building, structure, driveway, roadway or other construction on, across, over or under the easement or right of way for a natural gas transmission or distribution pipeline or a pipeline for the gathering or transportation of oil, gas or the products thereof.

(b) This Section does not apply if there is a written agreement to the contrary between the owner or operator of the affected pipeline facility; and the person or entity which places or causes a construction as defined herein to be placed on the easement or right of way of a pipeline facility as defined herein.

Sec. 756.052. DEFINITIONS.

(1) Construction means any building, structure,

1 driveway, roadway or other construction which, in whole or in part,  
2 is physically located on, across, over or under the easement or  
3 right of way of any pipeline facility as defined herein or  
4 physically impacts or creates a risk to such pipeline facility.

5 (2) Constructor means any person or entity which  
6 builds, operates, repairs, replaces or maintains a construction as  
7 defined herein or causes such construction to be built, operated,  
8 repaired, maintained or replaced.

9 (3) Pipeline facility means any pipeline used for the  
10 transmission or distribution of natural gas or for the gathering or  
11 transmission of oil, gas or the products thereof.

12 Sec. 756.053. PROHIBITION OF CONSTRUCTION WITHOUT NOTICE.  
13 No person or entity may build, repair, replace or maintain any  
14 construction on, across, over or under the easement or right of way  
15 for any pipeline facility unless:

16 (1) Notice of such construction is given the operator  
17 of the pipeline facility or facilities, and

18 (2) The facility operator determines that such  
19 construction will not increase a risk to the public or increase a  
20 risk of a break, leak, rupture or other damage to the pipeline  
21 facility, or

22 ~~[(1)]~~ (3) If the facility operator determines that the  
23 construction will increase such risk, then the constructor may  
24 proceed with the construction only after the constructor has paid  
25 the cost of the additional fortifications, barriers, conduits or  
26 other changes or improvements necessary to protect the public or  
27 pipeline facility from that risk.

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1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2003.