

AN ACT

relating to the relocation of utilities required for the improvement of the state highway system.

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

SECTION 1. Subchapter E, Chapter 203, Transportation Code, is amended by adding Section 203.0935 to read as follows:

Sec. 203.0935. TIMELY AGREEMENT. (a) If the department determines that a facility of a utility must be relocated to accommodate an improvement to the state highway system, the utility and the department shall 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) The department shall 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 facility of the utility. If the department and the affected utility enter into an agreement after negotiations under Subsection (a), the terms and conditions of the agreement shall govern the relocation of the utility's facility covered by the agreement.

(c) If the department and an affected utility do not enter into an agreement under Subsection (a), the department shall

1 provide to the affected utility:

2 (1) written notice of the department's determination  
3 that the utility facility must be removed;

4 (2) a final plan for relocation of the facility; and

5 (3) reasonable terms and conditions for an agreement  
6 with the utility for the relocation of the facility.

7 (d) Not later than the 90th day after the date that a utility  
8 receives the notice from the department, including the plan and  
9 agreement terms and conditions under Subsection (c), the utility  
10 shall enter into an agreement with the department that provides for  
11 the relocation.

12 (e) If the utility fails to enter into an agreement within  
13 the 90-day period under Subsection (d), the department may relocate  
14 the facility at the sole cost and expense of the utility less any  
15 reimbursement of costs that would have been payable to the utility  
16 under Section 203.092. A relocation by the department under this  
17 subsection shall be conducted in full compliance with applicable  
18 law, using standard equipment and construction practices  
19 compatible with the utility's existing facilities, and in a manner  
20 that minimizes disruption of utility service.

21 (f) The 90-day period under Subsection (d) may be extended:

22 (1) by mutual agreement between the department and the  
23 utility; or

24 (2) for any period of time during which the utility is  
25 negotiating in good faith with the department to relocate its  
26 facility.

27 SECTION 2. This Act takes effect immediately if it receives

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 487 passed the Senate on  
May 6, 2003, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 487 passed the House on  
May 28, 2003, by the following vote: Yeas 144, Nays 0, two  
present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor