

Amend CSHB 2702 as follows:

(1) At page 7, line 11, of the committee substitute, insert a new SECTION 11 to read as follows, and renumber subsequent sections accordingly:

"SECTION 11. Section 203.092, Transportation Code, is amended as follows:

(a) A utility shall make a relocation of a utility facility at the expense of this state if:

(1) relocation of the utility facility is required by improvement of a highway in this state established by appropriate authority as part of the National System of Interstate and Defense Highways and the relocation is eligible for federal participation; [~~or~~]

(2) relocation of the utility facility is required by improvement of any segment of the state highway system and the utility has a compensable property interest in the land occupied by the facility to be relocated; or

(3) relocation of the utility facility is required by any improvement, extension, or expansion of the state highway system that has been designated or is converted to a toll project, rail facility, turnpike project, or system as defined in any title under this code, regardless of the timing of the conversion.

(b) By agreement with the utility the department may relocate the utility facility in accordance with this section.

(c) Subsection (a) includes a relocation for an extension of a highway in an urban area.

(d) The cost of relocation includes the entire amount paid by the utility properly attributable to the relocation less:

(1) any increase in the value of the new facility;

(2) the salvage value derived from the old facility;

and

(3) any other deduction established by regulations for federal cost participation.

(e) To the extent any public utility was not reimbursed previously for the relocation, removal, or adjustment of public utility facilities on, across, or along the toll project, rail facility, turnpike project, or system as provided in subsection

(a), any entity to which the project, facility, or system is to be transferred shall reimburse the public utility."