

Amend CSHB 2702 (Senate committee printing) as follows:

(1) In Article 2 of the bill, strike SECTION 2.11 (page 10, lines 42-58) and substitute the following:

SECTION 2.11. Section 203.092, Transportation Code, is amended by amending Subsection (a) and adding Subsection (e) to read 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:

(1) 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; [✗]

~~(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) any improvement, extension, or expansion of the state highway system that has been designated as or is converted to a toll project, rail facility, turnpike project, or system, as those terms are defined in any title of this code, without regard to the timing of the conversion.

(e) To the extent a utility is not reimbursed before the relocation, removal, or adjustment of a utility facility on, across, or along a toll project, rail facility, turnpike project, or system as provided by Subsection (a)(3), any entity to which the project, facility, or system is to be transferred shall reimburse the utility.

(2) In SECTION 2.33 of the bill, in transferred and amended Subsection (a), Section 361.004, Transportation Code (page 26, line 53), between "interests" and the semicolon, insert ", including the cost for reimbursement to a utility for the relocation, removal, or adjustment of a utility facility to accommodate a toll project".

(3) In SECTION 2.35 of the bill, immediately following transferred and amended Subsection (b), Section 361.282, Transportation Code (page 31, between lines 59 and 60), insert the

following:

(c) To the extent a utility is not reimbursed before the relocation, removal, or adjustment of a utility facility on, across, or along a toll project or system, the governmental entity to which the toll project or system is transferred shall reimburse the utility.

(4) In SECTION 2.37 of the bill, at the end of transferred and amended Section 362.0041, Transportation Code (page 33, line 11), add the following:

To the extent a utility is not reimbursed before the relocation, removal, or adjustment of a utility facility on, across, or along a nontolled state highway, the commission shall provide for reimbursement of those costs to the utility. Methods of reimbursement may include:

- (1) a single fixed payment;
- (2) an intangible legal right to receive a percentage of identified revenue attributable to the applicable segment of the toll project; or
- (3) any other method identified by the commission.