

By: Dutton

H.B. No. 1893

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a municipality to notify certain public
3 utilities and telecommunications utilities on receiving an
4 application for a permit to excavate or construct underground
5 facilities.

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

7 SECTION 1. Chapter 282, Local Government Code, is amended
8 by adding Section 282.004 to read as follows:

9 Sec. 282.004. JOINT TRENCH NOTIFICATION LIST. (a) In this
10 section:

11 (1) "Certificated telecommunications utility" has the
12 meaning assigned by Section 17.002, Utilities Code.

13 (2) "Public utility" has the meaning assigned by
14 Section 11.004, Utilities Code.

15 (b) A municipality shall create and maintain a joint trench
16 notification list of public utilities and certificated
17 telecommunications utilities that request notification when
18 another public utility or certificated telecommunications utility
19 files an application for a permit to excavate or construct
20 underground facilities in the municipality.

21 (c) A municipality shall provide notice to each public
22 utility and certificated telecommunications utility on the joint
23 trench notification list on receiving an application, or an intent
24 to file an application, from another public utility or certificated

1 telecommunications utility for a permit to excavate or construct
2 underground facilities in the municipality. The municipality shall
3 provide the notice at least 60 days before the excavation or
4 construction is scheduled to begin. The notice must include:

- 5 (1) the general location of the planned construction;
6 (2) the estimated construction dates;
7 (3) the types of facilities to be constructed; and
8 (4) the responsible party with the public utility or

9 certificated telecommunications utility filing the application,
10 including the party's contact information.

11 (d) A public utility or certificated telecommunications
12 utility receiving notice under Subsection (c) may file an
13 application for a permit to excavate or construct an underground
14 facility in the same trench and at the same time as the original
15 public utility or certificated telecommunications utility that
16 filed the original permit for the trench.

17 (e) Each public utility or certificated telecommunications
18 utility excavating or constructing in the same trench at the same
19 time shall resolve cost sharing issues or engage in binding
20 arbitration. A public utility or certificated telecommunications
21 utility found by an arbitrator to have engaged in uncooperative or
22 unreasonable activity regarding cost sharing shall pay the entire
23 cost of arbitration. A dispute regarding construction details
24 shall be resolved by the municipality in the permitting process.

25 SECTION 2. This Act takes effect September 1, 2007.