

Amend CSHB 300 (Senate committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . RELOCATION OF UTILITY FACILITIES

SECTION ____ .01. Subchapter E, Chapter 203, Transportation Code, is amended by adding Section 203.0923 to read as follows:

Sec. 203.0923. SPECIAL FUNDS FOR RELOCATION OF UTILITY FACILITIES. (a) In this section, "utility" means a utility as defined by Section 203.091.

(b) If the construction, reconstruction, maintenance, improvement, or repair of a road, highway, or bridge that is funded in any part by federal funds provided under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) requires the relocation of a utility facility, the department shall:

(1) reimburse the utility owning or operating the facility for the expense of the relocation in the proportions described by Sections 203.092 and 227.029 using funds provided under the American Recovery and Reinvestment Act; or

(2) if Sections 203.092 and 227.029 do not provide for reimbursement to the utility, subject to Subsection (b-1), from federal funds provided under the American Recovery and Reinvestment Act, share the expense of that relocation equally with the utility that owns and operates the facility.

(b-1) The maximum amount of federal funds the department may spend for the relocation of utility facilities under Subsection (b)(2) is \$25 million.

(c) The amount of a reimbursement for a relocation of a utility facility may not exceed the actual expense incurred by the utility in the complete or partial relocation of the facility less any salvage value of the existing facility.

(d) The department by rule shall establish a procedure for making reimbursements under this section and shall notify affected utilities of that procedure.

(e) This section expires December 31, 2012.