

Amend CSSB 1 under the Article XI items to the Texas Department of Transportation by adding the following appropriately numbered rider:

____. Relocation of Utility Facilities. (a) In this section, "utility" includes:

(1) publicly, privately, and cooperatively owned telecommunications utilities that are subject to the authority of the Public Utility Commission of Texas;

(2) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(3) a video service provider, as defined by Section 66.002, Utilities Code; and

(4) a cable operator, as defined by 47 U.S.C. Section 522.

(b) The Texas Department of Transportation may not use federal funds provided as part of or as a result of the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5), in whole or in part, to construct, reconstruct, maintain, improve, or repair a road, highway, or bridge, if the construction, reconstruction, maintenance, improvement, or repair will necessitate the relocation of a utility facility, unless the Texas Department of Transportation reimburses the utility owning and operating the facility for the expense attributable to the relocation. The reimbursement amount may not exceed the actual expense incurred by the utility in the complete or partial relocation of the utility facility less any salvage value of the existing facility.

(c) It is the intent of the legislature that the Texas Department of Transportation establish procedures for making reimbursements and notify affected utilities regarding those procedures.