

BILL ANALYSIS

C.S.H.B. 2572
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Energy Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent years, there has been increasing focus on how certain entities are allowed to use a public right-of-way. The right to use a public right-of-way is granted in several statutes that use different language to describe an entity's rights in a public right-of-way. Current law clearly allows common carrier pipelines of various commodities to lay their facilities under a variety of public rights-of-way. Gas corporations should have the same clarity in the statutes as common carriers currently have. Leaving these similar provisions as they are with conflicting descriptions of the rights of similar entities invites conflict, disputes, and litigation. The bill provides consistency on the use of a public right-of-way by gas corporations and common carriers.

C.S.H.B. 2572 authorizes a gas corporation to lay and maintain lines under certain public rights-of-way subject to the payment of due compensation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2572 amends the Utilities Code to authorize a gas corporation to lay and maintain lines under, in addition to over and across, a public road, a railroad, railroad right-of-way, an interurban railroad, a street railroad, a canal or stream, or a municipal street or alley. The bill provides that the right relating to the use of a municipal street or alley is subject to the payment of compensation according to provisions in the Utilities Code for an authority of a municipality to assess charges and provisions in the Tax Code for charges by a city.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2572 adds a provision not in the original making the right of a gas corporation relating to use of a municipal street or alley subject to certain compensation.