

## **BILL ANALYSIS**

Senate Research Center  
81R10487 JJT-F

S.B. 2059  
By: Williams  
Transportation & Homeland Security  
4/4/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under Texas law, utility companies have the absolute right to place their facilities in the public rights-of-way without compensating the public for the use of the land or paying any fee or charge for the placement of their facilities. While state law includes provisions requiring electric and gas utilities to pay for relocation of their facilities at their own expense, similar provisions are not included for telephone and telegraph corporations.

As proposed, S.B. 2059 authorizes the Texas Transportation Commission to require a telephone and telegraph corporation to relocate, at the corporation's expense, a line of the corporation to allow for widening a right-of-way, changing a traffic lane, improving a road bed, or improving a drainage ditch located on a right-of-way.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 181, Utilities Code, by adding Section 181.090, as follows:

Sec. 181.090. RELOCATION OF LINES FOR ROAD IMPROVEMENTS. (a) Authorizes the Texas Transportation Commission (TTC) or the commissioners court of a county to require a telephone or telegraph corporation to relocate, at the corporation's expense, a line of the corporation to allow for widening a right-of-way, changing a traffic lane, improving a road bed, or improving a drainage ditch located on a right-of-way.

(b) Provides that the authority of TTC under this section is limited to a line of a telephone or telegraph corporation that is located on a state highway and not in the corporate limits of a municipality.

(c) Provides that the authority of a commissioners court of a county under this section is limited to a line of a telephone or telegraph corporation that is located on a county road and not in the corporate limits of a municipality.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.