

1-1 By: Crownover, et al. (Senate Sponsor - Hinojosa) H.B. No. 1526  
1-2 (In the Senate - Received from the House May 1, 2009;  
1-3 May 5, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 25, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 25, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1526 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority of a common purchaser that transports  
1-11 natural gas by pipeline to use a public right-of-way for a pipeline.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 111, Natural Resources  
1-14 Code, is amended by adding Section 111.0831 to read as follows:

1-15 Sec. 111.0831. AUTHORITY OF CERTAIN COMMON PURCHASERS TO  
1-16 USE PUBLIC RIGHT-OF-WAY FOR PIPELINE. (a) Subject to Section  
1-17 121.202, Utilities Code, and Section 182.025, Tax Code, a common  
1-18 purchaser as defined by Section 111.081(a)(2) has the right to lay,  
1-19 maintain, and operate a pipeline over, under, across, and along a  
1-20 public road as provided by this chapter only if:

1-21 (1) the pipeline complies with:

1-22 (A) all safety regulations adopted by the  
1-23 commission relating to the pipeline facilities that are subject to  
1-24 this section; and

1-25 (B) all applicable state and county regulations  
1-26 regarding the placement of a pipeline facility on a right-of-way,  
1-27 including a regulation on the horizontal placement of the pipeline;  
1-28 and

1-29 (2) the common purchaser ensures that the public road  
1-30 and any associated facility is promptly restored to its former  
1-31 condition of usefulness after the installation or maintenance of  
1-32 the pipeline.

1-33 (b) Notwithstanding Section 203.092, Transportation Code,  
1-34 the Texas Department of Transportation may require the owner or  
1-35 operator of a common purchaser pipeline to relocate the pipeline:

1-36 (1) at the expense of the owner or operator of the  
1-37 common purchaser pipeline, if the common purchaser pipeline is  
1-38 located on a right-of-way of the state highway system; or

1-39 (2) at the expense of this state, if:

1-40 (A) the common purchaser pipeline is located on  
1-41 property in which the owner or operator of the common purchaser  
1-42 pipeline has a private property interest; or

1-43 (B) the owner or operator of the common purchaser  
1-44 pipeline is otherwise eligible for reimbursement under the  
1-45 Transportation Code.

1-46 (c) A municipality may charge a fee to the owner or operator  
1-47 of a common purchaser pipeline for the use of a public road or  
1-48 municipal street or alley maintained by the municipality.

1-49 SECTION 2. This Act takes effect immediately if it receives  
1-50 a vote of two-thirds of all the members elected to each house, as  
1-51 provided by Section 39, Article III, Texas Constitution. If this  
1-52 Act does not receive the vote necessary for immediate effect, this  
1-53 Act takes effect September 1, 2009.

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