

By: Gonzalez Toureilles

H.B. No. 2572

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a gas corporation to use a public right-of-way.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 121.2025(a), Utilities Code, is amended to read as follows:

(a) Except as otherwise provided by this section or Section 182.025, Tax Code, a municipality may not assess a charge for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a gas pipeline facility on, along, under, or across a public road, highway, street, alley, stream, canal, or other public way.

SECTION 2. Section 181.005, Utilities Code, is amended to read as follows:

Sec. 181.005. AUTHORITY TO LAY AND MAINTAIN LINES. (a) A gas corporation has the right to lay and maintain lines over, along, under, 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.

(b) The right granted by Subsection (a) relating to the use of a municipal street or alley is subject to the payment of charges in accordance with Section 121.2025 of this code and Sections 182.025 and 182.026, Tax Code.

(c) The proposed route of a pipeline and the proposed

1 location of pipeline related facilities must maximize, to the  
2 extent practicable and economically reasonable, the use of existing  
3 easements and public rights-of-way, including streets, roads,  
4 highways, and utility rights-of-way, if adequate space exists and  
5 the use will not violate, or cause the violation of, any applicable  
6 pipeline safety regulations.

7         SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2009.