

1-1 By: Gonzales Toureilles (Senate Sponsor - Jackson) H.B. No. 2572
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 12, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 12, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a gas corporation to use a public
1-9 right-of-way.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 121.2025(a), Utilities Code, is amended
1-12 to read as follows:

1-13 (a) Except as otherwise provided by this section or Section
1-14 182.025, Tax Code, a municipality may not assess a charge for the
1-15 placement, construction, maintenance, repair, replacement,
1-16 operation, use, relocation, or removal of a gas pipeline facility
1-17 on, along, under, or across a public road, highway, street, alley,
1-18 stream, canal, or other public way.

1-19 SECTION 2. Section 181.005, Utilities Code, is amended to
1-20 read as follows:

1-21 Sec. 181.005. AUTHORITY TO LAY AND MAINTAIN LINES. (a) A
1-22 gas corporation has the right to lay and maintain lines over, along,
1-23 under, and across a public road, a railroad, railroad right-of-way,
1-24 an interurban railroad, a street railroad, a canal or stream, or a
1-25 municipal street or alley.

1-26 (b) The right granted by Subsection (a) relating to the use
1-27 of a municipal street or alley is subject to the payment of charges
1-28 in accordance with Section 121.2025 of this code and Sections
1-29 182.025 and 182.026, Tax Code.

1-30 (c) The proposed route of a pipeline and the proposed
1-31 location of pipeline related facilities must maximize, to the
1-32 extent practicable and economically reasonable, the use of existing
1-33 easements and public rights-of-way, including streets, roads,
1-34 highways, and utility rights-of-way, if adequate space exists and
1-35 the use will not violate, or cause the violation of, any applicable
1-36 pipeline safety regulations.

1-37 SECTION 3. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2009.

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