

By: Davis, et al.

S.B. No. 686

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the installation, maintenance, or operation of natural
3 gas pipelines on state highways and highway rights-of-way.

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

5 SECTION 1. Subchapter E, Chapter 203, Transportation Code,
6 is amended by adding Section 203.096 to read as follows:

7 Sec. 203.096. NATURAL GAS PIPELINE IN RIGHT-OF-WAY.

8 (a) In this section, "gas utility" means:

9 (1) a gas utility as defined by Section 121.001 or
10 181.021, Utilities Code; or

11 (2) a person that:

12 (A) is a common carrier under Section 111.002,
13 Natural Resources Code;

14 (B) is a common purchaser under Section 111.081,
15 Natural Resources Code; or

16 (C) owns, manages, operates, leases, or controls
17 a gas pipeline facility that is subject to Section 121.201,
18 Utilities Code.

19 (b) This section applies only to a natural gas pipeline
20 located or proposed to be located in:

21 (1) a county in which a part of the Barnett Shale
22 natural gas field is known to be located;

23 (2) a county that is located in the boundaries of a
24 metropolitan planning organization; or

1 (3) the corporate limits of a municipality.

2 (c) A gas utility is entitled to lay, maintain, and operate
3 a natural gas pipeline through, under, along, or across a state
4 highway, including a controlled access highway, only if:

5 (1) the pipeline is subject to the jurisdiction,
6 control, and regulation of the Railroad Commission of Texas and
7 subject to safety standard requirements pertaining to gas pipeline
8 facilities and transmission lines for the transportation of gas;

9 (2) the pipeline complies with all applicable state
10 rules consistent with this section and all applicable federal
11 regulations on the accommodation of utility facilities on the
12 highway or right-of-way, including rules and regulations relating
13 to the horizontal and vertical location of the pipeline; and

14 (3) the highway and associated facilities are promptly
15 restored to their former condition of usefulness after the
16 installation or maintenance of the pipeline, as applicable, is
17 complete.

18 (d) Subject to Section 203.092, the commission may require a
19 gas utility to relocate a facility at the cost of the gas utility to
20 accommodate construction or expansion of the highway or for any
21 other public work unless the gas utility has a property interest in
22 the land occupied by the facility to be relocated.

23 (e) This section may not be construed to limit the authority
24 of a gas utility to use a public right-of-way.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2009.