

AN ACT

relating to the installation, maintenance, or operation of natural gas pipelines on state highways and highway and county road rights-of-way.

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

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

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

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

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

(2) a person that:

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

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

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

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

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

(2) a county that is located in the boundaries of a

1 metropolitan planning organization; or

2 (3) the corporate limits of a municipality.

3 (c) A gas utility is entitled to lay, maintain, and operate  
4 a natural gas pipeline through, under, along, or across a  
5 controlled access highway, as defined by Section 203.001(1), only  
6 if:

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

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

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

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

25 (e) This section may not be construed to:

26 (1) limit the authority of a gas utility to use a  
27 public right-of-way under any other law; or

1           (2) affect the authority of a municipality to:

2                   (A) regulate the use of a public right-of-way by  
3 a gas utility under any other law; or

4                   (B) require payment of any applicable charge  
5 under Section 121.2025, Utilities Code, and Sections 182.025 and  
6 182.026, Tax Code.

7           SECTION 2. Subchapter A, Chapter 251, Transportation Code,  
8 is amended by adding Section 251.018 to read as follows:

9           Sec. 251.018. SUBSURFACE ACCESS IN RIGHT-OF-WAY. (a) A  
10 county shall allow subsurface access to a county road right-of-way  
11 for the installation of a temporary water line that does not  
12 interfere with existing utilities located in the right-of-way. The  
13 county may regulate the horizontal or vertical location of the  
14 water line within the right-of-way.

15           (b) A county may not adopt or enforce an ordinance or  
16 regulation that establishes or conflicts with a safety standard or  
17 practice applicable to a temporary water line that is regulated  
18 under state or federal law.

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

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 686 passed the Senate on April 21, 2009, by the following vote: Yeas 30, Nays 0; May 23, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 686 passed the House, with amendments, on May 20, 2009, by the following vote: Yeas 143, Nays 0, two present not voting; May 28, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 138, Nays 0, one present not voting.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor