

1-1 By: Davis, et al. S.B. No. 686
1-2 (In the Senate - Filed February 5, 2009; February 23, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 14, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 686 By: Davis

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

1-10 relating to the installation, maintenance, or operation of natural
1-11 gas pipelines on state highways and highway rights-of-way.

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

1-13 SECTION 1. Subchapter E, Chapter 203, Transportation Code,
1-14 is amended by adding Section 203.096 to read as follows:

1-15 Sec. 203.096. NATURAL GAS PIPELINE IN RIGHT-OF-WAY.

1-16 (a) In this section, "gas utility" means:

1-17 (1) a gas utility as defined by Section 121.001 or
1-18 181.021, Utilities Code; or

1-19 (2) a person that:

1-20 (A) is a common carrier under Section 111.002,
1-21 Natural Resources Code;

1-22 (B) is a common purchaser under Section 111.081,
1-23 Natural Resources Code; or

1-24 (C) owns, manages, operates, leases, or controls
1-25 a gas pipeline facility that is subject to Section 121.201,
1-26 Utilities Code.

1-27 (b) This section applies only to a natural gas pipeline
1-28 located or proposed to be located in:

1-29 (1) a county in which a part of the Barnett Shale
1-30 natural gas field is known to be located;

1-31 (2) a county that is located in the boundaries of a
1-32 metropolitan planning organization; or

1-33 (3) the corporate limits of a municipality.

1-34 (c) A gas utility is entitled to lay, maintain, and operate
1-35 a natural gas pipeline through, under, along, or across a state
1-36 highway, including a controlled access highway, only if:

1-37 (1) the pipeline is subject to the jurisdiction,
1-38 control, and regulation of the Railroad Commission of Texas and
1-39 subject to safety standard requirements pertaining to gas pipeline
1-40 facilities and transmission lines for the transportation of gas;

1-41 (2) the pipeline complies with all applicable state
1-42 rules and federal regulations on the accommodation of utility
1-43 facilities on the highway or right-of-way, including rules and
1-44 regulations relating to the horizontal and vertical location of the
1-45 pipeline; and

1-46 (3) the highway and associated facilities are promptly
1-47 restored to their former condition of usefulness after the
1-48 installation or maintenance of the pipeline, as applicable, is
1-49 complete.

1-50 (d) Subject to Section 203.092, the commission may require a
1-51 gas utility to relocate a facility at the cost of the gas utility to
1-52 accommodate construction or expansion of the highway or for any
1-53 other public work unless the gas utility has a property interest in
1-54 the land occupied by the facility to be relocated.

1-55 (e) This section may not be construed to limit the authority
1-56 of a gas utility to use a public right-of-way.

1-57 SECTION 2. This Act takes effect immediately if it receives
1-58 a vote of two-thirds of all the members elected to each house, as
1-59 provided by Section 39, Article III, Texas Constitution. If this
1-60 Act does not receive the vote necessary for immediate effect, this
1-61 Act takes effect September 1, 2009.

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