

By: Crownover

H.B. No. 2289

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a gas corporation to use a public  
3 right-of-way along a railroad, a railroad right-of-way, an  
4 interurban railroad, or a street railroad.

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

6 SECTION 1. Section 181.005(a), Utilities Code, is amended  
7 to read as follows:

8 (a) A gas corporation has the right to lay and maintain  
9 lines over, along, under, and across a public road, [~~a railroad,~~  
10 ~~railroad right-of-way,~~] an interurban railroad, a street railroad,  
11 a canal or stream, or a municipal street or alley and over, under,  
12 and across a railroad or a railroad right-of-way only if:

13 (1) the pipeline complies with:

14 (A) all safety regulations adopted by the  
15 Railroad Commission of Texas and all federal regulations relating  
16 to pipeline facilities and pipelines; and

17 (B) all rules adopted by the Texas Department of  
18 Transportation or the Railroad Commission of Texas and all federal  
19 regulations regarding the accommodation of utility facilities on a  
20 right-of-way, including regulations relating to the horizontal or  
21 vertical placement of the pipeline; and

22 (2) the owner or operator of the pipeline ensures that  
23 the public right-of-way and any associated facility are promptly  
24 restored to their former condition of usefulness after the

1 installation or maintenance of the pipeline.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2011.