

By: Crownover

H.B. No. 2289

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) the pipeline complies with:

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

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

(2) the owner or operator of the pipeline ensures that the public right-of-way and any associated facility are promptly

1 restored to their former condition of usefulness after the  
2 installation or maintenance of the pipeline.

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