

1-1 By: Crownover (Senate Sponsor - Jackson) H.B. No. 2289
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Natural
1-4 Resources; May 11, 2011, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 11, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a gas corporation to use a public
1-9 right-of-way along a railroad, a railroad right-of-way, an
1-10 interurban railroad, or a street railroad.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 181.005(a), Utilities Code, is amended
1-13 to read as follows:

1-14 (a) A gas corporation has the right to lay and maintain
1-15 lines over, along, under, and across a public road, [~~a railroad,~~
1-16 ~~railroad right-of-way,~~] an interurban railroad, a street railroad,
1-17 a canal or stream, or a municipal street or alley and over, under,
1-18 and across a railroad or a railroad right-of-way only if:

1-19 (1) the pipeline complies with:

1-20 (A) all safety regulations adopted by the
1-21 Railroad Commission of Texas and all federal regulations relating
1-22 to pipeline facilities and pipelines; and

1-23 (B) all rules adopted by the Texas Department of
1-24 Transportation or the Railroad Commission of Texas and all federal
1-25 regulations regarding the accommodation of utility facilities on a
1-26 right-of-way, including regulations relating to the horizontal or
1-27 vertical placement of the pipeline; and

1-28 (2) the owner or operator of the pipeline ensures that
1-29 the public right-of-way and any associated facility are promptly
1-30 restored to their former condition of usefulness after the
1-31 installation or maintenance of the pipeline.

1-32 SECTION 2. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2011.

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