

By: Wu

H.B. No. 2406

Substitute the following for H.B. No. 2406:

By: Lozano

C.S.H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

relating to the installation, maintenance, operation, and relocation of saltwater pipeline facilities.

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

SECTION 1. Chapter 91, Natural Resources Code, is amended by adding Subchapter T to read as follows:

SUBCHAPTER T. SALTWATER PIPELINES

Sec. 91.901. DEFINITIONS. In this subchapter:

(1) "Saltwater pipeline facility" means a pipeline facility that conducts water containing salt and other substances produced during drilling or operating an oil, gas, or other type of well. The term includes a pipeline facility that conducts flowback and produced water from an oil or gas well on which a hydraulic fracturing treatment has been performed to an oil and gas waste disposal well for disposal.

(2) "Saltwater pipeline operator" means a person who owns, installs, manages, operates, leases, or controls a saltwater pipeline facility:

Sec. 91.902. PIPELINE ON PUBLIC ROAD. A saltwater pipeline operator is entitled to install, maintain, and operate a saltwater pipeline facility through, under, along, across, or over a public road only if:

(1) the pipeline facility complies with applicable rules adopted by the Texas Transportation Commission and applicable

1 county and municipal regulations regarding the accommodation of
2 utility facilities on a public road or right-of-way, including
3 regulations relating to the horizontal or vertical placement of the
4 pipeline facility;

5 (2) the saltwater pipeline operator ensures that the
6 public road and associated facilities are promptly restored to
7 their former condition of usefulness after the installation or
8 maintenance of the pipeline facility is complete; and

9 (3) the saltwater pipeline operator leases the
10 right-of-way or area in which the pipeline facility is installed
11 and pays to the applicable governmental entity the fair market
12 value of the operator's use of the right-of-way or area, unless the
13 operator is authorized by other law to install, maintain, and
14 operate the pipeline facility through, under, along, across, or
15 over the public road.

16 Sec. 91.903. RELOCATION OF SALTWATER PIPELINE FACILITY FOR
17 CERTAIN PURPOSES. (a) Except as provided by Section 203.092,
18 Transportation Code, the Texas Transportation Commission, the
19 commissioners court of a county, or the governing body of a
20 municipality, as applicable, may require a saltwater pipeline
21 operator to relocate a saltwater pipeline facility at the cost of
22 the saltwater pipeline operator to accommodate construction or
23 expansion of a public road or for any other public work unless the
24 saltwater pipeline operator has a property interest in the land
25 occupied by the facility to be relocated.

26 (b) The Texas Transportation Commission, the commissioners
27 court of a county, or the governing body of a municipality, as

1 applicable, shall give to the saltwater pipeline operator 30 days'
2 written notice of the requirement. The notice must identify the
3 pipeline facility to be relocated and indicate the approximate
4 location on the new right-of-way where the saltwater pipeline
5 operator may place the facility.

6 Sec. 91.904. CONSTRUCTION OF SUBCHAPTER. This subchapter
7 may not be construed to:

8 (1) limit the authority of a saltwater pipeline
9 facility to use a public right-of-way under any other law; or

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

11 (A) regulate the use of a public right-of-way by
12 a saltwater pipeline operator under any other law; or

13 (B) require payment of any applicable charge
14 under Section 182.025, Tax Code.

15 Sec. 91.905. APPLICATION OF OTHER LAW. Section 212.153(e),
16 Local Government Code, and Sections 203.092, 224.008, and
17 502.1981(c)(4), Transportation Code, apply to saltwater pipeline
18 operators and saltwater pipeline facilities in the same manner as
19 they apply to utilities and utility facilities.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.