

By: Birdwell

S.B. No. 861

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the installation of certain telephone or telegraph
3 corporation facilities on or across public roads, streets, or
4 water.

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

6 SECTION 1. Section 181.082, Utilities Code, is amended to
7 read as follows:

8 Sec. 181.082. AUTHORITY TO INSTALL FACILITY IN RELATION TO
9 PUBLIC PROPERTY. Subject to Section 181.0821, a [A] telephone or
10 telegraph corporation may install a facility of the corporation
11 along, on, or across a public road, a public street, or public water
12 in a manner that does not inconvenience the public in the use of the
13 road, street, or water.

14 SECTION 2. Subchapter E, Chapter 181, Utilities Code, is
15 amended by adding Sections 181.0821 and 181.0822 to read as
16 follows:

17 Sec. 181.0821. NOTICE TO STATE OR COUNTY. (a) A person
18 proposing to install a facility under Section 181.082 in the
19 right-of-way of a state highway or a county road shall give notice
20 of the proposed installation to:

21 (1) the Texas Department of Transportation if the
22 proposed installation relates to a state highway; or

23 (2) the commissioners court of the county if the
24 proposed installation relates to a county road.

1 (b) On receipt of the notice, the Texas Department of
2 Transportation or commissioners court may designate the location in
3 the right-of-way where the person may install the facility.

4 Sec. 181.0822. RELOCATION OF FACILITY TO ALLOW ROAD OR
5 DITCH IMPROVEMENT. (a) The Texas Department of Transportation or
6 the commissioners court of a county may require a telephone or
7 telegraph corporation to relocate a facility of the corporation, at
8 the corporation's expense, to allow the:

9 (1) widening of a right-of-way;

10 (2) changing of a traffic lane;

11 (3) improving of a road bed; or

12 (4) improving of a drainage ditch located on a
13 right-of-way.

14 (b) To require relocation under Subsection (a), the Texas
15 Department of Transportation or the commissioners court, as
16 appropriate, must notify the telephone or telegraph corporation not
17 later than the 30th day before the date relocation is required. The
18 notice must identify the facility to be relocated and indicate the
19 location on the new right-of-way where the telephone or telegraph
20 corporation may place the facility.

21 (c) This section does not apply to a facility located in a
22 municipality.

23 SECTION 3. This Act takes effect September 1, 2015.