

By: Pickett

H.B. No. 4192

A BILL TO BE ENTITLED

AN ACT

relating to the relocation of a utility facility located in a highway right-of-way.

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

SECTION 1. Section 203.0935, Transportation Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) If the utility fails to enter into an agreement within the 90-day period under Subsection (d), the department may:

(1) relocate the facility at the sole cost and expense of the utility less any reimbursement of costs that would have been payable to the utility under Section 203.092; or

(2) contract with a third party to relocate the facility at the sole cost and expense of the utility.

(e-1) A relocation [~~by the department~~] under Subsection (e) [this subsection] shall be conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

SECTION 2. Section 203.094, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may deny a permit application made by a utility or revoke a permit granted by the department to a utility for any of the utility's facilities if the department determines

1 that the utility is delaying, without good cause:

2 (1) entering into a timely agreement with the
3 department for the relocation of a facility; or

4 (2) making a timely relocation of a facility.

5 SECTION 3. Subchapter Z, Chapter 181, Utilities Code, is
6 amended by adding Section 181.903 to read as follows:

7 Sec. 181.903. REMEDIES OF LOCAL AUTHORITY FOR DELAYED
8 RELOCATION. (a) In this section, "utility" includes a publicly,
9 privately, or cooperatively owned utility that provides telephone,
10 telegraph, communications, electric, gas, heating, water,
11 railroad, storm sewer, sanitary sewer, or pipeline service.

12 (b) The governing body of a municipality or the
13 commissioners court of a county authorized by this chapter or other
14 law to require the owner or operator of a utility to relocate the
15 utility's facility for the purposes of a transportation project
16 that is located in a public right-of-way in which the municipality
17 or county has an interest may, if the governing body or
18 commissioners court determines that the utility is delaying making
19 a timely relocation of the facility without good cause:

20 (1) contract with a third party to relocate the
21 facility at the sole cost and expense of the utility; and

22 (2) deny a permit application made by a utility or
23 revoke a permit granted by the municipality or county to the utility
24 for any of the utility's facilities.

25 SECTION 4. Section 203.094(d), Transportation Code, and
26 Section 181.903, Utilities Code, as added by this Act, apply only to
27 a delay associated with the relocation of a facility for which the

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1 utility first receives notice of the required relocation on or
2 after the effective date of this Act.

3 SECTION 5. This Act takes effect September 1, 2017.