

BILL ANALYSIS

Senate Research Center

H.B. 1898
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Engrossed

DIGEST

Most highway improvement projects undertaken by the Texas Department of Transportation (department) require the relocation of utilities in conjunction with the project. This relocation of utilities may involve simply the moving of one or more utilities at a highway intersection or it may involve the significant relocation of several thousand feet of a utility's pipeline. Most department highway improvement projects require that participating local governments pay for a portion of all of the utility adjustment costs on any given project. Depending on the specific circumstances involved, the cost to the local government could be significant. In addition, the very nature of most highway improvement projects require that utilities be relocated prior to the time that construction begins. The inability of local governments to raise the funds needed to relocate utilities has limited the department's ability to address needed highway improvements.

H.B. 1898 will allow the Texas Department of Transportation to relocate utility facilities as part of a highway improvement project and will require the utility to reimburse the department for the cost of the relocation within five years of the project being completed.

PURPOSE

As proposed, H.B. 1898 allows the Texas Department of Transportation (department) to relocate utility facilities as part of a highway improvement project and will require the utility to reimburse the department for the cost of the relocation within five years of the project being completed.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 203.092(a) and (b), Transportation Code, to require a utility to make a relocation of a utility facility at the expense of this state if relocation of the utility is required by improvement of any segment of the state highway system and the utility has a compensable property interest in the land occupied by the facility to be relocated. Makes nonsubstantive and conforming changes.

SECTION 2. Amends Chapter 203E, Transportation Code, by adding Section 203.0921, as follows:

Sec. 203.0921. DEPARTMENT RELOCATION OF UTILITY FACILITIES FOR ESSENTIAL HIGHWAY IMPROVEMENT. Authorizes the Texas Department of Transportation (department), at the discretion of the department, to cause a utility to relocate a utility facility, or make a relocation of a utility facility, not eligible for reimbursement under Section 203.092 at the expense of the state upon certain findings of the Texas Transportation Commission (commission). Requires a utility whose facilities are relocated under Subsection (a) to reimburse the department for any amount expended or advanced by the department for the relocation. Requires the utility to enter into an agreement with the department providing for reimbursement. Sets forth requirements regarding the agreement. Requires a utility to reimburse the department, in the absence of an agreement by Subsection (b), the full cost of relocation within 30 days of the date of completion of the work. Requires all funds received by the department under this section to be deposited in the state treasury to the credit of the

state highway fund.

SECTION 3. Amends Section 203.093(a), Transportation Code, to authorize reimbursement of the cost of relocation of the utility, as required by Section 203.092, to be made from the state highway fund to the utility owning the facility.

SECTION 4. Amends Chapter 203E, Transportation Code, by adding Section 203.0941, as follows:

Sec. 203.0941. UTILITY RELOCATION ELIGIBLE FOR FINANCIAL ASSISTANCE FROM THE WATER DEVELOPMENT BOARD. Provides that the relocation of a utility facility required by the improvement of any segment of the state highway system, for which a political subdivision receives financial assistance made available from either Subchapter D, F, G, or K, Chapter 17, Water Code, is not subject to the requirements of Sections 17.183(1)-(6) of the Water Code if the political subdivision has agreed to allow the department to contract for the construction of the utility facility relocation. Authorizes the department and the Texas Water Development Board to enter into a memorandum of understanding to facilitate administration of utility facility relocation that is required by state highway system improvement and that receives financial assistance from the Texas Water Development Board.

SECTION 5. Emergency clause.

Effective date: upon passage.