

BILL ANALYSIS

Senate Research Center
81R3910 SLB-F

S.B. 686
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law currently requires cities to allow the installation of natural gas pipelines in their rights-of-way, but allows the Texas Transportation Commission (TTC) to deny pipeline companies the ability to install their pipelines beneath controlled access highways. As a result, natural gas pipeline companies undertaking drilling activities in cities such as Fort Worth have been installing their pipelines in residential neighborhoods when those same pipelines could have been installed in nearby rights-of-way. This has occurred even though pipeline companies operating in Fort Worth have expressed a preference to install their pipelines in highway rights-of-way rather than disrupting the lives of families and quiet neighborhoods. Texas Department of Transportation (TxDOT) staff members have informed Fort Worth officials that TxDOT will not permit the longitudinal installation of these pipelines in any portion of the highway rights-of-way adjacent to those neighborhoods. Although the Transportation Code and related regulations of TxDOT do not contain a blanket prohibition on the installation of all gas pipeline facilities, the permissive nature of the current law has allowed it to be interpreted this way over time.

As proposed, S.B. 686 requires TTC to allow subsurface access to a controlled access highway right-of-way for the installation of a natural gas pipeline that does not interfere with existing utilities. This bill also authorizes TTC to regulate the horizontal or vertical location of the pipeline within the right-of-way.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 203, Transportation Code, by adding Section 203.096, as follows:

Sec. 203.096. SUBSURFACE ACCESS IN RIGHT-OF-WAY. (a) Requires the Texas Transportation Commission (TTC) to allow subsurface access to a controlled access highway right-of-way for the installation of a natural gas pipeline that does not interfere with existing utilities located in the right-of-way. Authorizes TTC to regulate the horizontal or vertical location of the pipeline within the right-of-way.

(b) Authorizes TTC to require a natural gas pipeline operator to relocate facilities at the cost of the operator to accommodate construction or expansion of the highway or for any other public work.

SECTION 2. Effective date: upon passage or September 1, 2009.