

BILL ANALYSIS

Senate Research Center
81R4205 TJS-F

S.B. 1749
By: Jackson, Mike
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, there has been an increasing focus on how certain entities are allowed to utilize public rights-of-way. In some instances, an entity is granted the right to use public rights-of-way in several statutes that use different language to describe the entity's rights in the public rights-of-way. This leads to confusion and potential disputes and litigation.

Sections 181.005 (Authority to Lay and Maintain Lines) and 181.022 (Authority to Lay and Maintain Gas Facility), Utilities Code, are the two primary statutes governing the use of public rights-of-way by gas utilities and gas corporations. Section 181.022 specifically authorizes a gas utility to lay its pipelines under public rights-of-way while Section 181.005 only authorizes pipelines to be placed over and across public rights-of-way. Although pipelines are occasionally installed over and across streets, highways, and streams, they are most commonly installed under streets, highways, and streams. Sections 111.020 (Pipeline on Public Stream of Highway), 111.021 (Pipeline under Railroad, Street Railroad, or Canal), and 111.022 (Right to Use Street or Alley in City or Town), Natural Resources Code, authorize common carrier pipelines of various commodities to lay their facilities under a variety of public rights-of-way. Gas corporations should have the same clarity in the statutes as common carriers have.

As proposed, S.B. 1749 provides that a gas corporation has the right to lay and maintain pipelines over, under, and across, certain roads, railroads, bodies of water, or certain streets or alleys.

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 Section 181.005, Utilities Code, to provide that a gas corporation has the right to lay and maintain lines over, under, and across a public road, a railroad, railroad right-of-way, an interurban railroad, a street railroad, a canal or stream, or a municipal street or alley.

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