

BILL ANALYSIS

Senate Research Center

H.B. 2585
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Highway projects, including toll roads, often result in the need to move utility facilities that occupy the right of way. In 2005, a cost-sharing plan for facility relocations was established by the legislature and passed as part of H.B. 2702.

Current law states that the state and utilities will equally share the cost of relocating utility facilities for state toll road projects. Utility companies with facilities in the right-of-way currently receive reimbursement for relocating facilities in state toll road projects through toll revenue. The current reimbursement for the relocation of utilities for these projects is set to expire on September 1, 2013. H.B. 2585 extends the equal share of the cost of relocating utilities through September 1, 2017.

H.B. 2585 amends current law relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.

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 203.092, Transportation Code, by amending Subsections (a-1), (a-2), and (a-3) and adding Subsection (a-4), as follows:

(a-1) Requires the Texas Department of Transportation (TxDOT) and the utility, notwithstanding Subsection (a)(3), to share equally the cost of the relocation of a utility facility that is made before September 1, 2017, rather than September 1, 2013, and required by the improvement of a nontolled highway to add one or more tolled lanes. Provides that this subsection expires September 1, 2017, rather than September 1, 2013.

(a-2) Requires TxDOT and the utility, notwithstanding Subsection (a)(3), to share equally the cost of the relocation of a utility facility that is made before September 1, 2017, rather than September 1, 2013, and required by the improvement of a nontolled highway that has been converted to a turnpike project or toll project. Provides that this subsection expires September 1, 2017, rather than September 1, 2013.

(a-3) Requires TxDOT and the utility, notwithstanding Subsection (a)(3), to share equally the cost of the relocation of a utility facility that is made before September 1, 2017, rather than September 1, 2013, and required by the construction on a new location of a turnpike project or toll project or the expansion of such a turnpike project or toll project. Provides that this subsection expires September 1, 2017, rather than September 1, 2013.

(a-4) Requires the utility and TxDOT, if a utility under Subsection (a-1), (a-2), or (a-3) is privately owned, to enter into an agreement requiring the relocation of a utility facility to be completed within a reasonable time period. Provides that if the utility does not complete the relocation of a utility facility by the date specified in the agreement, TxDOT is not required to continue to share the cost of the relocation of a utility facility under

Subsection (a-1), (a-2), or (a-3) after the date specified by the agreement. Provides that this subsection expires September 1, 2017.

SECTION 2. Effective date: upon passage or the 91st day after the last day of the legislative session.