

By: Wu

H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

relating to the installation, maintenance, operation, and relocation of saltwater pipeline facilities.

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

SECTION 1. Chapter 91, Natural Resources Code, is amended by adding Subchapter T to read as follows:

SUBCHAPTER T. SALTWATER PIPELINES

Sec. 91.901. DEFINITIONS. In this subchapter:

(1) "Saltwater pipeline facility" means a pipeline facility that conducts water containing salt and other substances produced during drilling or operating natural gas and other types of wells.

(2) "Saltwater pipeline operator" means a person who owns, installs, manages, operates, leases, or controls a saltwater pipeline facility.

Sec. 91.902. PIPELINE ON PUBLIC ROAD. A saltwater pipeline operator is entitled to install, maintain, and operate a saltwater pipeline facility through, under, along, across, or over a public road only if:

(1) the pipeline facility complies with applicable:

(A) saltwater safety regulations adopted by the commission relating to saltwater pipeline facilities;

(B) federal regulations relating to saltwater pipeline facilities; and

1 (C) rules adopted by the commission and the Texas
2 Transportation Commission and applicable federal, county, and
3 municipal regulations regarding the accommodation of utility
4 facilities on a public road or right-of-way, including regulations
5 relating to the horizontal or vertical placement of the pipeline
6 facility; and

7 (2) the saltwater pipeline operator ensures that the
8 public road and associated facilities are promptly restored to
9 their former condition of usefulness after the installation or
10 maintenance of the pipeline facility is complete.

11 Sec. 91.903. RELOCATION OF SALTWATER PIPELINE FACILITY FOR
12 CERTAIN PURPOSES. (a) Except as provided by Section 203.092,
13 Transportation Code, the Texas Transportation Commission, the
14 commissioners court of a county, or the governing body of a
15 municipality may require a saltwater pipeline operator to relocate
16 a saltwater pipeline facility at the cost of the saltwater pipeline
17 operator to accommodate construction or expansion of a public road
18 or for any other public work unless the saltwater pipeline operator
19 has a property interest in the land occupied by the facility to be
20 relocated.

21 (b) The Texas Transportation Commission, the commissioners
22 court of a county, or the governing body of a municipality shall
23 give to the saltwater pipeline operator 30 days' written notice of
24 the requirement. The notice must identify the pipeline facility to
25 be relocated and indicate the approximate location on the new
26 right-of-way where the saltwater pipeline operator may place the
27 facility.

1 Sec. 91.904. CONSTRUCTION OF SUBCHAPTER. This subchapter
2 may not be construed to:

3 (1) limit the authority of a saltwater pipeline
4 facility to use a public right-of-way under any other law; or

5 (2) affect the authority of a municipality to:

6 (A) regulate the use of a public right-of-way by
7 a saltwater pipeline operator under any other law; or

8 (B) require payment of any applicable charge
9 under Sections 182.025 and 182.026, Tax Code.

10 Sec. 91.905. APPLICATION OF OTHER LAW. Section 212.153(e),
11 Local Government Code, and Sections 203.092, 224.008, and
12 502.1981(c)(4), Transportation Code, apply to saltwater pipeline
13 operators and saltwater pipeline facilities in the same manner as
14 they apply to utilities and utility facilities.

15 Sec. 91.906. RULES. The commission shall adopt rules to
16 implement this subchapter.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2013.