



396144

CHAMBER ACTION

Senate

House

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Floor: 12/AD/2R
4/17/2008 10:28 AM



Senator Saunders moved the following amendment:

Senate Amendment (with directory and title amendments)

Delete line(s) 1787-1822

and insert:

practicable alternative available for placement of the electric
utility transmission lines on the department's rights-of-way, the
department's rules shall provide for placement of and access to
such transmission lines adjacent to and within the right-of-way
of any department-controlled public roads, including
longitudinally within limited access facilities to the greatest
extent allowed by federal law, if compliance with the standards
established by such rules is achieved. Such rules may include,
but need not be limited to, that the use of the right-of-way is
reasonable based upon a consideration of economic and
environmental factors, including, without limitation, other
practicable alternative alignments, utility corridors and

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18 easements, minimum clear zones and other safety standards, and
19 further provide that placement of the electric utility
20 transmission lines within the department's right-of-way does not
21 interfere with operational requirements of the transportation
22 facility or planned or potential future expansion of such
23 transportation facility. If the department approves longitudinal
24 placement of electric utility transmission lines in limited
25 access facilities, compensation for the use of the right-of-way
26 is required. Such consideration or compensation paid by the
27 electric utility in connection with the department's issuance of
28 a permit does not create any property right in the department's
29 property regardless of the amount of consideration paid or the
30 improvements constructed on the property by the utility. Upon
31 notice by the department that the property is needed for
32 expansion or improvement of the transportation facility, the
33 electric utility transmission line will relocate from the
34 facility at the electric utility's sole expense. The electric
35 utility shall pay to the department reasonable damages resulting
36 from the utility's failure or refusal to timely relocate its
37 transmission lines. The rules to be adopted by the department
38 may also address the compensation methodology and relocation. As
39 used in this subsection, the term "base load generating