

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment**

4 Remove lines 1444-1486 and insert:

5
6 section as the "utility." For aerial and underground electric
7 utility transmission lines designed to operate at 69 or more
8 kilovolts that are needed to accommodate the additional
9 electrical transfer capacity on the transmission grid resulting
10 from new base-load generating facilities, where there is no
11 other practicable alternative available for placement of the
12 electric utility transmission lines on the department's rights-
13 of-way, the department's rules shall provide for placement of
14 and access to such transmission lines adjacent to and within the
15 right-of-way of any department-controlled public roads,
16 including longitudinally within limited access facilities to the

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17 greatest extent allowed by federal law, if compliance with the
18 standards established by such rules is achieved. Such rules may
19 include, but need not be limited to, that the use of the right-
20 of-way is reasonable based upon a consideration of economic and
21 environmental factors, including, without limitation, other
22 practicable alternative alignments, utility corridors and
23 easements, and minimum clear zones and other safety standards,
24 and further provide that placement of the electric utility
25 transmission lines within the department's right-of-way does not
26 interfere with operational requirements of the transportation
27 facility or planned or potential future expansion of such
28 transportation facility. If the department approves longitudinal
29 placement of electric utility transmission lines in limited
30 access facilities, compensation for the use of the right-of-way
31 is required. Such consideration or compensation paid by the
32 electric utility in connection with the department's issuance of
33 a permit does not create any property right in the department's
34 property regardless of the amount of consideration paid or the
35 improvements constructed on the property by the utility. Upon
36 notice by the department that the property is needed for
37 expansion or improvement of the transportation facility, the
38 electric utility transmission line will relocate from the
39 facility at the electric utility's sole expense. The electric
40 utility shall pay to the department reasonable damages resulting
41 from the utility's failure or refusal to timely relocate its
42 transmission lines. The rules to be adopted by the department
43 may also address the compensation methodology and relocation. As
44 used in this subsection, the term "base-load generating

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HOUSE AMENDMENT

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45 facilities" means electric power plants that are certified under
46 part II of chapter 403. The department may enter into a

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