



318204

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on Finance and Tax (Bennett) recommended the following:

Senate Amendment

Delete lines 529 - 579

and insert:

as provided in paragraphs (a)-(f) ~~(a), (b), and (c)~~.

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627 of the 84th Congress, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of the ~~such~~ project is eligible and approved for reimbursement by the



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12 Federal Government to the extent of 90 percent or more under the
13 Federal Aid Highway Act, or any amendment thereof, then in that
14 event the utility owning or operating such facilities shall
15 relocate the ~~such~~ facilities upon order of the department, and
16 the state shall pay the entire expense properly attributable to
17 such relocation after deducting therefrom any increase in the
18 value of the new facility and any salvage value derived from the
19 old facility.

20 (b) When a joint agreement between the department and the
21 utility is executed for utility improvement, relocation, or
22 removal work to be accomplished as part of a contract for
23 construction of a transportation facility, the department may
24 participate in those utility improvement, relocation, or removal
25 costs that exceed the department's official estimate of the cost
26 of the ~~such~~ work by more than 10 percent. The amount of such
27 participation shall be limited to the difference between the
28 official estimate of all the work in the joint agreement plus 10
29 percent and the amount awarded for this work in the construction
30 contract for such work. The department may not participate in
31 any utility improvement, relocation, or removal costs that occur
32 as a result of changes or additions during the course of the
33 contract.

34 (c) When an agreement between the department and utility is
35 executed for utility improvement, relocation, or removal work to
36 be accomplished in advance of a contract for construction of a
37 transportation facility, the department may participate in the
38 cost of clearing and grubbing necessary to perform such work.

39 (d) If the utility facility being removed or relocated was
40 initially installed to exclusively serve the department, its



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41 tenants, or both, the department shall bear the costs of
42 removing or relocating that utility facility. However, the
43 department is not responsible for bearing the cost of removing
44 or relocating any subsequent additions to that facility for the
45 purpose of serving others.

46 (e) If, under an agreement between a utility and the
47 authority entered into after the effective date of this
48 subsection, the utility conveys, subordinates, or relinquishes a
49 compensable property right to the authority for the purpose of
50 accommodating the acquisition or use of the right-of-way by the
51 authority, without the agreement expressly addressing future
52 responsibility for the cost of removing or relocating the
53 utility, the authority shall bear the cost of removal or
54 relocation. This paragraph does not impair or restrict, and may
55 not be used to interpret, the terms of any such agreement
56 entered into before the effective date of this paragraph.

57 (f) If the utility is an electric facility being relocated
58 underground in order to enhance vehicular, bicycle, and
59 pedestrian safety and in which ownership of the electric
60 facility to be placed underground has been transferred from a
61 private to a public utility within the past 5 years, the
62 department shall incur all costs of the relocation.