

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brandes offered the following:

2  
3 **Amendment**

4 Remove lines 1765-1826 and insert:  
5 shall be completed within such reasonable time as stated in the  
6 notice or such time as agreed to by the authority and the  
7 utility owner.

8 (a) If the relocation of utility facilities, as referred  
9 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
10 627 of the 84th Congress, is necessitated by the construction of  
11 a project on the federal-aid interstate system, including  
12 extensions thereof within urban areas, and the cost of the  
13 project is eligible and approved for reimbursement by the  
14 Federal Government to the extent of 90 percent or more under the  
15 Federal Aid Highway Act, or any amendment thereof, then in that  
16 event the utility owning or operating such facilities shall

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17 perform any necessary work ~~relocate the facilities~~ upon notice  
18 from order of the department, and the state shall pay the entire  
19 expense properly attributable to such work relocation after  
20 deducting therefrom any increase in the value of any ~~the~~ new  
21 facility and any salvage value derived from any ~~the~~ old  
22 facility.

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

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

42 (d) If the utility facility involved ~~being removed or~~  
43 ~~relocated~~ was initially installed to exclusively serve the  
44 department, its tenants, or both, the department shall bear the  
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45 costs of the utility work ~~removing or relocating that utility~~  
46 ~~facility~~. However, the department is not responsible for bearing  
47 the cost of utility work related to ~~removing or relocating~~ any  
48 subsequent additions to that facility for the purpose of serving  
49 others.

50 (e) If, under an agreement between a utility and the  
51 authority entered into after July 1, 2009, the utility conveys,  
52 subordinates, or relinquishes a compensable property right to  
53 the authority for the purpose of accommodating the acquisition  
54 or use of the right-of-way by the authority, without the  
55 agreement expressly addressing future responsibility for the  
56 cost of necessary utility work ~~removing or relocating the~~  
57 ~~utility~~, the authority shall bear the cost ~~of removal or~~  
58 ~~relocation~~. This paragraph does not impair or restrict, and may  
59 not be used to interpret, the terms of any such agreement  
60 entered into before July 1, 2009.

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

68 (g) An authority is authorized to bear the costs of  
69 utility work required to eliminate an unreasonable interference  
70 when the utility is not able to establish that it has a  
71 compensable property right in the particular property where the  
72 utility is located if:

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73       1. The utility was physically located on the particular  
74 property before the authority acquired rights in the property;

75       2. The utility demonstrates that it has a compensable  
76 property right in all adjacent properties along the alignment of  
77 the utility; and

78       3. The information available to the authority does not  
79 establish the relative priorities of the authority's and the  
80 utility's interests in the particular property.