

Energy Corridor Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill modifies provisions related to eminent domain and the condemnation process for public utilities.

Highlighted Provisions:

This bill:

- requires a person filing an eminent domain action for certain telecommunications, electric light, and electric power infrastructure to:
 - conduct an infrastructure siting analysis; and
 - coordinate with federal land management agencies before pursuing condemnation of private lands;
- modifies the requirements for certain eminent domain complaints to include infrastructure siting analysis and federal agency coordination documentation;
- requires a public utility to submit an annual report on eminent domain actions and efforts to utilize federal public lands to the Public Utilities, Energy, and Technology Interim Committee; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-504, as renumbered and amended by Laws of Utah 2008, Chapter 3

78B-6-507, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

78B-6-505.5, Utah Code Annotated 1953

78B-6-523, Utah Code Annotated 1953

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **78B-6-504** is amended to read:

34 **78B-6-504 . Conditions precedent to taking.**

35 [~~(1)~~ Before property can be taken it must appear that:]

36 [~~(a) the use to which it is to be applied is a use authorized by law;~~]

37 [~~(b) the taking is necessary for the use;~~]

38 [~~(c) construction and use of all property sought to be condemned will commence within~~
39 ~~a reasonable time as determined by the court, after the initiation of proceedings under~~
40 ~~this part; and]~~

41 [~~(d) if already appropriated to some public use, the public use to which it is to be~~
42 ~~applied is a more necessary public use.]~~

43 [~~(2)~~] (1)[~~(a)~~] As used in this section[~~;~~] :

44 (a) [~~"governing~~] "Governing body" means:

45 (i) for a county, city, or town, the legislative body of the county, city, or town; and

46 (ii) for any other political subdivision of the state, the person or body with authority
47 to govern the affairs of the political subdivision.

48 (b) "Infrastructure siting analysis" means a comprehensive evaluation that:

49 (i) identifies and assesses all reasonable route alternatives for the proposed
50 infrastructure;

51 (ii) prioritizes the use of existing utility corridors and federal public lands; and

52 (iii) documents why alternatives using federal public lands are not feasible, if
53 applicable.

54 (2) Before property can be taken it must appear that:

55 (a) the use to which it is to be applied is a use authorized by law;

56 (b) the taking is necessary for the use;

57 (c) construction and use of all property sought to be condemned will commence within a
58 reasonable time as determined by the court, after the initiation of proceedings under
59 this part; and

60 (d) if already appropriated to some public use, the public use to which it is to be applied
61 is a more necessary public use.

62 [~~(b)~~] (3) Property may not be taken by a political subdivision of the state unless the
63 governing body of the political subdivision approves the taking.

64 [~~(e)~~] (4)(a) Before taking a final vote to approve the filing of an eminent domain action,
65 the governing body of each political subdivision intending to take property shall

66 provide written notice to each owner of property to be taken of each public meeting
 67 of the political subdivision's governing body at which a vote on the proposed taking
 68 is expected to occur and allow the property owner the opportunity to be heard on the
 69 proposed taking.

70 ~~[(d)]~~ (b) The requirement under Subsection ~~[(2)(e)]~~ (4)(a) to provide notice to a property
 71 owner is satisfied by the governing body mailing the written notice to the property
 72 owner:

73 (i) at the owner's address as shown on the records of the county assessor's office; and
 74 (ii) at least 10 business days before the public meeting.

75 (5) In addition to the requirements of Subsection (2), a person filing an eminent domain
 76 action for a purpose described in Subsection 78B-6-501(2)(h) shall:

77 (a) complete an infrastructure siting analysis;

78 (b) demonstrate that use of federal public lands is not feasible or would result in greater
 79 public harm than the proposed condemnation; and

80 (c) submit the analysis to the court as part of the condemnation proceedings.

81 Section 2. Section **78B-6-505.5** is enacted to read:

82 **78B-6-505.5 . Coordination with federal land management agencies.**

83 (1) Before filing an eminent domain action to condemn private land for a purpose described
 84 in Subsection 78B-6-501(2)(h), a person shall:

85 (a) consult with relevant federal land management agencies to identify potentially
 86 suitable federal public lands for the proposed use;

87 (b) document all efforts to coordinate with federal agencies; and

88 (c) include the documentation described in Subsection (1)(b) in any subsequent eminent
 89 domain filing.

90 (2) The court may consider the person's coordination efforts and infrastructure siting
 91 analysis when determining if the proposed taking meets the requirements of Section
 92 78B-6-504.

93 Section 3. Section **78B-6-507** is amended to read:

94 **78B-6-507 . Complaint -- Contents.**

95 (1) The complaint shall contain:

96 (a) the name of the corporation, association, commission or person in charge of the
 97 public use for which the property is sought, who must be styled plaintiff;

98 (b) the names of all owners and claimants of the property, if known, or a statement that
 99 they are unknown, who must be styled defendants;

- 100 (c) a statement of the right of the plaintiff;
- 101 (d) if a right of way is sought, its location, general route, beginning and ending, and be
102 accompanied by a map of the proposed right of way, as it is involved in the action or
103 proceeding;
- 104 (e) if any interest in land is sought for a right of way or associated facilities for a subject
105 activity as defined in Section 19-3-318:
- 106 (i) the permission of the governor with the concurrence of the Legislature authorizing:
- 107 (A) use of the site for the subject activity; and
- 108 (B) use of the proposed route for the subject activity; and
- 109 (ii) the proposed route as required by Subsection (1)(d);~~and~~
- 110 (f) a description of each piece of land sought to be taken, and whether it includes the
111 whole or only part of an entire parcel or tract[-] ; and
- 112 (g) for actions filed for a purpose described in Subsection 78B-6-501(2)(h), the
113 infrastructure siting analysis and federal agency coordination documentation required
114 by Sections 78B-6-504 and 78B-6-505.5.

- 115 (2) All parcels lying in the county and required for the same public use may be included in
116 the same or separate proceedings, at the option of the plaintiff, but the court may
117 consolidate or separate them to suit the convenience of parties.

118 Section 4. Section **78B-6-523** is enacted to read:

119 **78B-6-523 . Reporting on consideration of federal public lands.**

- 120 (1) As used in this section, "public utility" means the same as that term is defined in Section
121 54-2-1.
- 122 (2) A public utility that files any eminent domain action for a purpose described in
123 Subsection 78B-6-501(2)(h) in a calendar year shall submit, on or before July 1 of each
124 year, a report to the Public Utilities, Energy, and Technology Interim Committee
125 detailing:
- 126 (a) the number of condemnation actions filed in the previous calendar year;
- 127 (b) infrastructure siting analyses completed to identify and evaluate alternatives using
128 federal public lands prior to initiating a condemnation action;
- 129 (c) reasons for not utilizing federal public lands, if applicable; and
- 130 (d) any coordination efforts with federal land management agencies.

131 Section 5. **Effective Date.**

132 This bill takes effect on May 7, 2025.