

UTILITY IMPROVEMENT DISTRICT

REVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. VanTassell

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision of the Utah Underground Conversion of Utilities Law.

Highlighted Provisions:

This bill:

▶ modifies a requirement on property owners in an underground utility improvement district relating to the conversion of utility facilities from overhead to underground;

▶ requires property owners to bear the expense of the conversion of utility facilities from overhead to underground;

▶ modifies a provision relating to the length of time a property owner has to convert overhead utility facilities to underground;

▶ requires counties and municipalities to record for the applicable utility a continuing utility easement for operation and maintenance purposes; and

▶ requires utilities to be reimbursed for the conversion according to a franchise or other agreement between the utility and the county or municipality.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **54-8-26**, as last amended by Chapter 129, Laws of Utah 2006



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

32 Section 1. Section **54-8-26** is amended to read:

33 **54-8-26. Notice that service from underground facilities is available --**
34 **Consequences of failure to convert overhead facilities.**

35 (1) (a) If service from the underground utility is available to all or part of an
36 improvement district area, the governing body of the county or municipality that created the
37 district shall mail a notice to each owner of real property served from existing overhead
38 facilities stating that:

- 39 (i) service from the underground facilities is available; and
- 40 (ii) each property owner shall ~~[perform]~~ arrange with the applicable utility for the
41 necessary construction to convert, within a time period that the governing body approves in
42 writing, the [owner's] existing overhead electric and [communications] communication
43 facilities to underground [from the utility-provided service point] facilities to the service point
44 on the owner's property.

- 45 (b) The property owner shall bear the expense of:
- 46 (i) the conversion from overhead to underground described in Subsection (1)(a)(ii); and
- 47 (ii) any additional conversion of facilities from overhead to underground beyond the
48 service point.

49 ~~[(b)]~~ (c) Each ~~[owner that converts]~~ conversion of overhead facilities to underground
50 facilities shall comply with all applicable state and local laws, ordinances, rules, and
51 regulations, and with all tariffs of the applicable utility.

52 (2) (a) Failure to ~~[convert]~~ have the overhead facilities converted to underground
53 facilities within ~~[60 days after the date of mailing the notice]~~ the time specified in writing by
54 the governing body shall be considered as ~~[a]~~ the property owner's consent to and grant of a
55 construction easement to the county or municipality and as express authority to the county or
56 municipality and its officers, agents, and employees to make arrangements with the applicable
57 utility to enter upon the lot or parcel for the purpose of making the conversion.

58 (b) (i) A construction easement under Subsection (2)(a) terminates upon completion of

59 the conversion of overhead facilities to underground utilities.

60 (ii) Each county or municipality shall record for the applicable utility a continuing
61 utility easement for the operation and maintenance of the underground facilities.

62 (3) (a) If the county or municipality [~~converts~~] arranges with the applicable utility for
63 the conversion of the overhead facilities to underground facilities, all county, municipal, and
64 utility costs and expenses of the conversion, including the engineering, legal, advertising, and
65 incidental expenses, shall be assessed against the property [~~benefitted~~] upon which the
66 overhead facilities were converted to underground facilities and become a lien upon the
67 property.

68 (b) Each applicable utility shall be reimbursed for the conversion according to a
69 franchise or other agreement between the utility and the county or municipality.

70 (4) The owner shall, at the owner's expense, make all necessary changes in the service
71 entrance equipment to accept underground service.

Legislative Review Note
as of 1-24-07 3:58 PM

Office of Legislative Research and General Counsel

S.B. 185 - Utility Improvement District Revisions

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses, or local governments. Real property owners will bear the costs of converting overhead utility access to underground access.

1/30/2007, 9:14:11 AM, Lead Analyst: Eckersley, S.

Office of the Legislative Fiscal Analyst