

UTILITY RELOCATION ON HIGHWAY PROJECTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to the relocation of utilities for a state highway project.

Highlighted Provisions:

This bill:

- ▶ amends the definition of utility;
- ▶ provides that the requirement that the Department of Transportation pay certain percentages of the cost of relocation of a utility to accommodate construction of a state highway project includes the construction of a proposed state highway and the improvement, widening, or modification of an existing state highway;
- ▶ requires the Department of Transportation to pay 100% of the cost of relocation of a utility to accommodate construction of a state highway project if the utility is located in a public utility easement;
- ▶ provides that a utility company that has been notified of a utility relocation shall cooperate with the Department of Transportation; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **72-6-116**, as last amended by Laws of Utah 2010, Chapter 272



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

33 Section 1. Section **72-6-116** is amended to read:

34 **72-6-116. Regulation of utilities -- Relocation of utilities.**

35 (1) As used in this section:

36 (a) "Cost of relocation" includes the entire amount paid by the utility company properly
37 attributable to the relocation of the utility after deducting any increase in the value of the new
38 utility and any salvage value derived from the old utility.

39 (b) "Utility" includes telecommunication, gas, electricity, cable television, water,
40 sewer, data, and video transmission lines, drainage and irrigation [~~systems~~] facilities, and other
41 similar utilities [~~located in, on, along, across, over, through, or under any state highway~~]
42 whether public, private, or cooperatively owned.

43 (c) "Utility company" means a privately, cooperatively, or publicly owned utility,
44 including utilities owned by political subdivisions.

45 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
46 the department may make rules for the installation, construction, maintenance, repair, renewal,
47 system upgrade, and relocation of all utilities.

48 (b) If the department determines under the rules established in this section that it is
49 necessary that any utilities should be relocated, the utility company owning or operating the
50 utilities shall relocate the utilities in accordance with this section and the order of the
51 department.

52 (3) (a) The department shall pay 100% of the cost of relocation of a utility [~~on~~] to
53 accommodate construction of a state highway project, including the construction of a proposed
54 state highway and the improvement, widening, or modification of an existing state highway if
55 the:

56 (i) utility is owned or operated by a political subdivision of the state; [~~or~~]

57 (ii) utility company owns the easement or fee title to the right-of-way in which the
58 utility is located[-]; or

59 (iii) utility is located in a public utility easement as defined in Section 54-3-27.
60 (b) Except as provided in Subsection (3)(a) or (c), the department shall pay 50% of the
61 cost of relocation of a utility ~~on~~ to accommodate construction of a state highway project,
62 including the construction of a proposed state highway and the improvement, widening, or
63 modification of an existing state highway, and the utility company shall pay the remainder of
64 the cost of relocation.
65 (c) This Subsection (3) does not affect the provisions of Subsection 72-7-108(5).
66 (4) If a utility is relocated, the utility company owning or operating the utility, its
67 successors or assigns, may maintain and operate the utility, with the necessary appurtenances,
68 in the new location.
69 (5) In accordance with this section, the cost of relocating a utility in connection with
70 any project on a highway is a cost of highway construction.
71 (6) (a) The department shall notify affected utility companies, in accordance with
72 Section 54-3-29, whenever the relocation of utilities is likely to be necessary because of a
73 reconstruction project.
74 (b) The notification shall be made during the preliminary design of the project or as
75 soon as practical in order to minimize the number, costs, and delays of utility relocations.
76 (c) A utility company notified under this Subsection (6) shall coordinate and cooperate
77 with the department and the department's contractor on the utility relocations, including the
78 scheduling of the utility relocations.

Legislative Review Note
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Office of Legislative Research and General Counsel