

UTILITY RELOCATION COST SHARING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Wayne A. Harper

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 5 absent

General Description:

This bill amends provisions related to allocation of costs to relocate utility infrastructure within state highway and certain public transit rights of way.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires coordination and cooperation between the Department of Transportation and utilities impacted by certain capital development projects;
- ▶ provides for sharing of utility relocation costs caused by certain capital development projects for which the Department of Transportation has oversight and supervision;
- ▶ requires the Department of Transportation to abide by agreements with a utility relevant to the relocation of utility infrastructure; and
- ▶ makes technical changes.

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 2020, Chapter 80



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) "Department project" means:

40 (i) a state highway project, including the construction of a proposed state highway and
41 the improvement, widening, or modification of an existing state highway; or

42 (ii) a fixed guideway capital development project for which the department has
43 oversight and supervision, including a transit station, passenger loading or unloading zone,
44 parking lot, or other facility that is constructed or reconstructed immediately adjacent to a fixed
45 guideway that is part of a fixed guideway capital development project.

46 ~~(b)~~ (c) "Exempt water supplier" means an entity that directly or indirectly supplies at
47 least a portion of the entity's water for culinary purposes to the public for municipal, domestic,
48 or industrial use, and is:

49 (i) a water corporation, as defined in Section **54-2-1**, that is regulated by the Public
50 Service Commission; or

51 (ii) a community water system:

52 (A) that either supplies water to at least 100 service connections used by year-round
53 residents, or regularly serves at least 200 year-round residents; and

54 (B) whose voting members own a share in the community water system, receive water
55 from the community water system in proportion to the member's share in the community water
56 system, and pay the rate set by the community water system based on the water the member
57 receives.

58 ~~(c)~~ (d) "Utility" includes telecommunication, crude oil, petroleum products, gas,

59 electricity, cable television, water, sewer, data, and video transmission lines, drainage and
 60 irrigation facilities, and other similar utilities whether public, private, or cooperatively owned.

61 ~~[(d)]~~ (e) "Utility company" means a privately, cooperatively, or publicly owned utility,
 62 including utilities owned by political subdivisions.

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

66 (b) If the department determines under the rules established in this section that it is
 67 necessary that any utilities should be relocated, notwithstanding any other provision of this
 68 section:

69 (i) the utility company owning or operating the utilities shall relocate the utilities [~~in~~
 70 ~~accordance with this section and the~~] after receiving an order of the department[~~;~~]; and

71 (ii) the cost allocations described in Subsection (3) shall apply.

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

75 (i) utility is owned or operated by:

76 (A) a political subdivision of the state; or

77 (B) an exempt water supplier;

78 (ii) utility company owns the easement or fee title to the right-of-way in which the
 79 utility is located; or

80 (iii) utility is located in a public utility easement as defined in Section [54-3-27](#).

81 (b) Except as provided in Subsection (3)(a), (c), or (d) or Section [54-21-603](#), the
 82 department shall pay 50% of the cost of relocation of a utility to accommodate construction of
 83 a [~~state highway project, including the construction of a proposed state highway and the~~
 84 ~~improvement, widening, or modification of an existing state highway]~~ department project, and
 85 the utility company shall pay the remainder of the cost of relocation.

86 ~~[(c) If the utility described in Subsection (3)(b) is a crude oil or petroleum products~~
 87 ~~pipeline, unless the utility meets the conditions described in Subsection (3)(a):]~~

88 ~~[(i) the utility company shall pay the lesser of:]~~

90 (c) Subject to Subsection (3)(e), if a utility company is responsible to pay for a portion
91 of a utility relocation as described in Subsection (3)(b):

92 (i) the utility shall pay the lesser of:

93 (A) 50% of the cost of relocation of the ~~[pipeline]~~ utility to accommodate construction
94 of a ~~[proposed state highway and the improvement, widening, and modification of an existing~~
95 ~~highway]~~ department project; or

96 (B) 50% of the cost of any structure or facility necessary to avoid impinging on the
97 ~~[pipeline, and the department shall pay the remainder of the cost of the structure or facility;~~
98 ~~and]~~ utility;

99 (ii) the department shall pay the remainder of the cost, which is the total cost less the
100 portion paid by the utility under Subsection (3)(c)(i); and

101 (iii) the department shall make the final decision whether to proceed under:

102 (A) Subsection (3)(c)(i)(A); or

103 (B) Subsection (3)(c)(i)(B).

104 (d) This Subsection (3) does not affect the provisions of Subsection 72-7-108(5).

105 (e) (i) If the department or a large public transit district has entered into a written
106 agreement with a utility before May 1, 2024, pertaining to the use of right-of-way by the utility
107 and relocation costs, the department and the utility shall abide by the terms of the agreement
108 when constructing a fixed guideway capital development project.

109 (ii) If the department has entered into a written agreement with a utility pertaining to
110 the use of right-of-way by the utility and relocation costs, the department and the utility shall
111 abide by the terms of the agreement when constructing a department project.

112 (4) If a utility is relocated, the utility company owning or operating the utility, its
113 successors or assigns, may maintain and operate the utility, with the necessary appurtenances,
114 in the new location.

115 (5) In accordance with this section, the cost of relocating a utility in connection with
116 any ~~[project on a highway is a cost of highway construction]~~ department project is a cost of
117 construction for the department project.

118 (6) (a) The department shall notify affected utility companies, in accordance with
119 Section 54-3-29, whenever the relocation of utilities is likely to be necessary because of a
120 ~~[reconstruction]~~ department project.

121 (b) The notification shall be made during the preliminary design of the project or as
122 soon as practical in order to minimize the number, costs, and delays of utility relocations.

123 (c) ~~[A utility company notified]~~ When the department notifies a utility company under
124 this Subsection (6):

125 (i) the utility shall coordinate and cooperate with the department and the department's
126 contractor on the utility relocations, including the scheduling of the utility relocations[-]; and

127 (ii) the department and the utility shall strive to identify conflicts, minimize utility
128 relocation costs and operational impacts, minimize department project costs and delays, and
129 coordinate and cooperate with one another.

130 Section 2. **Effective date.**

131 This bill takes effect on May 1, 2024.