



**H.B. 34**

123rd General Assembly  
(As Introduced)

**Reps. Taylor, Harris, Carey, Buchy, Lucas, Haines, Netzley, Mottley,  
Terwilleger, Britton**

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**BILL SUMMARY**

- Requires the Director of Transportation to provide for the relocation of the facilities of any public, private, or cooperative water supply, waterworks, or sewerage system that regularly serves persons located outside a city, and for the relocation of the facilities of any nonprofit corporation organized under the laws of this state that owns or operates a water supply, waterworks, or sewerage system that regularly serves persons located outside a city, if the facilities of the system are directly involved in a highway project of the Department of Transportation.

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**CONTENT AND OPERATION**

Under current law, the state must reimburse a utility for the cost of relocating any of its facilities that results from the construction of a highway project only if the utility can evidence a vested interest in the nature of a fee interest, an easement interest, or a lesser estate in the real property it occupies, if the utility possesses a vested interest in the property. The utility must present satisfactory evidence substantiating the cost of the relocation. (Sec. 5501.51.)

An individual, firm, or corporation that uses or occupies any part of a road, highway, bridge, or culvert on the state highway system with objects such as telephone lines, railways, pipes, mains, or other objects or structures, other than by virtue of a franchise or permit, must move the objects when, in the opinion of the Director of Transportation, they constitute obstructions in the road, highway, bridge, or culvert, or will interfere with a contemplated action, such as construction or maintenance. The Director must notify the owner of his decision and, if the individual, firm, or corporation does not proceed to remove or relocate the obstructions within five days of receiving the notice and complete the removal or relocation within a reasonable time, the Director may remove or relocate the obstructions by employing the necessary labor, tools, and equipment. The costs

are paid out of any appropriation to the Department of Transportation, and the total amount is certified to the Attorney General for collection by civil action. (Sec. 5515.02.)

Under the bill, the Director of Transportation is required to provide for the relocation of the facilities of any public, private, or cooperative water supply, waterworks, or sewerage system that regularly serves persons located outside a city, and for the relocation of the facilities of any nonprofit corporation organized under the laws of this state that owns or operates a water supply, waterworks, or sewerage system that regularly serves persons located outside a city, if the facilities of the system are directly involved in a highway project of the Department. This requirement applies notwithstanding the provisions of current law that are reviewed in the above paragraphs. (Sec. 5501.511.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 90

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