

**State Corporation Commission
2010 Fiscal Impact Statement**

1. Bill Number: HB474

House of Origin Introduced ___ Substitute ___ Engrossed
Second House ___ In Committee ___ Substitute ___ Enrolled

2. Patron: Carrico

3. Committee: Commerce and Labor

4. Title: **Public utility lines; crossing railroads.**

5. Summary: Public utility lines; crossing railroads. Revamps the procedure by which a municipality may obtain approval to place its public utility lines across a railroad right-of-way. A municipality may submit to the railroad company a notice of intent to construct, accompanied by a specification exhibit and a \$500 crossing fee. If the railroad does not claim within 35 days that special circumstances exist or that the exhibit is inadequate or incomplete, the municipality is deemed to have authorization to commence constructing the utility line. A railroad company that believes that special circumstances exist may file a petition for relief with the State Corporation Commission, and if it is aggrieved by the Commission's determination on the issue of damages, it may seek judicial review as in a condemnation proceeding. The bill requires the Commission to adopt regulations prescribing the terms and conditions for a crossing, including provisions that any crossing be consistent with the public convenience and necessity and reasonable service to the public.

6. Fiscal Impact Estimates: See Item 8.

7. Budget Amendment Necessary: No

8. Fiscal Implications: It is believed that current staff could complete the work required by this legislation.

9. Specific Agency or Political Subdivisions Affected: State Corporation Commission

10. Technical Amendment Necessary:

11. Other Comments: No

Date: 1/28/2010 JH