



OFFERED BY SENATOR CARNLEY

SYNOPSIS:

Under existing law, before performing certain work on a public road which involves laying pipelines, pole lines, sewers, railways, or other utilities, a permit must be obtained from the State Department of Transportation. Additionally, the permittee must pay to restore the road to the condition as it was before the work was performed.

This bill would further provide for the permitting process by establishing various processing deadlines.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to public highways; to amend Section 23-1-4, Code of Alabama 1975, to further provide for the issuance of a permit for access to certain state rights-of-way on public highways; to provide certain permit processing deadlines for applications by electric providers; and to authorize associated condemnation actions to be expedited.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 23-1-4, Code of Alabama 1975, is



amended to read as follows:

"§23-1-4

(a) The Legislature of Alabama finds and declares the following:

(1) Electric transmission infrastructure is critical to the economic growth and well-being of this state and Alabama has an immediate need to expand and facilitate such investment for the benefit of its residents.

(2) Public rights-of-way provide essential corridors and paths for electric transmission infrastructure.

(3) Prompt issuance of permits for electric transmission infrastructure of electric providers in public rights-of-way will provide the needed support to industrial growth, job creation, and economic development, particularly in rural and underserved areas.

(b) No state-controlled road shall be dug up or used for laying pipelines, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Department of Transportation, and ~~such~~ the work shall be done only in accordance with the regulations prescribed by the department, ~~and the~~.

(c) The permittee shall pay the cost of replacing the road in as good condition as it was before ~~such~~ the permitted work was done ~~shall be paid by the person, firm, or corporation to whom or in whose behalf such permit was given.~~ ~~Such person, firm, or corporation so desiring such work~~ An applicant for a permit under this section shall furnish the state with a cash deposit or certified check upon a solvent



57 bank or surety bond ~~in~~ from a guaranty company qualified to do  
58 business in Alabama, in the amount required by the ~~State~~  
59 ~~Department of Transportation~~ department, conditioned that the  
60 sum is to be forfeited to the state in the event that ~~said the~~  
61 road is not placed in as good condition as it was prior to  
62 ~~said the~~ permitted work being done, within 15 business days  
63 from the time ~~said the~~ permitted work is completed.

64 (d) (1) Upon the receipt of an application of an  
65 electric provider for a permit relating to electric  
66 transmission facilities, the department shall determine  
67 whether the application is complete. If the application is not  
68 complete, the department, within 14 business days after  
69 receiving the application, shall respond to the applicant in  
70 writing with a description of any deficiency in the  
71 application.

72 (2) Within 35 business days after receiving from an  
73 electric provider a completed application for a permit  
74 relating to electric transmission facilities, the department  
75 shall approve or deny the application; provided, however, the  
76 department may exercise a one-time, 10-business-day extension  
77 for its consideration of the application for a permit upon  
78 written notice to the applicant.

79 (3) Unless waived by the applicant, if the department  
80 fails to approve or deny the application for a permit within  
81 the required period under subdivision (2), the requested  
82 permit shall be deemed approved by the department upon the  
83 posting of the deposit or bond required by subsection (c).

84 (4) In the event that the application for a permit is



85 denied, the applicant, within 10 business days, may request  
86 review by the director, in which event the director, within 10  
87 business days, shall render a decision in writing either  
88 affirming or reversing the permit denial, along with the  
89 reasons for any permit denial.

90 (e) Nothing in this section shall be construed to  
91 require the department to acquire rights-of-way to accommodate  
92 an electric provider's electric transmission facilities.

93 (f) (1) For purposes of this section, "electric  
94 provider" has the same meaning as provided in Section 37-16-3.  
95 The term includes the Tennessee Valley Authority and includes  
96 an authority as defined in Section 11-50A-1.

97 (2) For purposes of this section, "electric  
98 transmission facilities" means facilities distributing or  
99 transmitting electricity at voltages of 40,000 volts or  
100 greater."

101 Section 2. In any condemnation action tangential to an  
102 application for a permit under Section 23-1-4, Code of Alabama  
103 1975, on motion from the plaintiff, the circuit court shall  
104 enter an order assigning the case to the expedited track and  
105 shall ensure resolution as expeditiously as feasible.

106 Section 3. This act shall become effective on October  
107 1, 2025.