

SB311 ENGROSSED



1 SB311
2 G3NTECC-2
3 By Senators Carnley, Orr, Sessions, Williams, Butler, Bell,
4 Waggoner, Kitchens, Allen, Gudger, Stutts, Barfoot, Kelley,
5 Smitherman, Singleton
6 RFD: Fiscal Responsibility and Economic Development
7 First Read: 08-Apr-25



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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



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

(d) (1) Upon the receipt of an application of an electric provider for a permit relating to electric transmission facilities, the department shall determine whether the application is complete. If the application is not complete, the department, within 14 business days after



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receiving the application, shall respond to the applicant in writing with a description of any deficiency in the application.

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

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

(4) In the event that the application for a permit is denied, the applicant, within 10 business days, may request review by the director, in which event the director, within 10 business days, shall render a decision in writing either affirming or reversing the permit denial, along with the reasons for any permit denial.

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

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



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85 (2) For purposes of this section, "electric
86 transmission facilities" means facilities distributing or
87 transmitting electricity at voltages of 40,000 volts or
88 greater."

89 Section 2. In any condemnation action tangential to an
90 application for a permit under Section 23-1-4, Code of Alabama
91 1975, on motion from the plaintiff, the circuit court shall
92 enter an order assigning the case to the expedited track and
93 shall ensure resolution as expeditiously as feasible.

94 Section 3. This act shall become effective on October
95 1, 2025.



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98 Senate

99 Read for the first time and referred08-Apr-25
100 to the Senate committee on Fiscal
101 Responsibility and Economic
102 Development

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104 Read for the second time and placed22-Apr-25
105 on the calendar:
106 0 amendments

107
108 Read for the third time and passed24-Apr-25
109 as amended
110 Yeas 29
111 Nays 1
112 Abstains 0

113
114
115 Patrick Harris,
116 Secretary.
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