

SB311 ENROLLED



1 SB311
2 G3NTECC-3
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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1 Enrolled, An Act,

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3
4 Relating to public highways; to amend Section 23-1-4,
5 Code of Alabama 1975, to further provide for the issuance of a
6 permit for access to certain state rights-of-way on public
7 highways; to provide certain permit processing deadlines for
8 applications by electric providers; and to authorize
9 associated condemnation actions to be expedited.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 23-1-4, Code of Alabama 1975, is
12 amended to read as follows:

13 "§23-1-4

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

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

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

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

27 (b) No state-controlled road shall be dug up or used
28 for laying pipelines, pole lines, sewers, railways, or for



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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 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



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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.

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

Section 2. In any condemnation action tangential to an



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85 application for a permit under Section 23-1-4, Code of Alabama
86 1975, on motion from the plaintiff, the circuit court shall
87 enter an order assigning the case to the expedited track and
88 shall ensure resolution as expeditiously as feasible.

89 Section 3. This act shall become effective on October
90 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 24-Apr-25

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 01-May-25

By: Senator Carnley