

SB311 INTRODUCED



1 SB311
2 11GHJZZ-1
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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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; to authorize associated condemnation actions to be expedited; and to require the Department of Transportation to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



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29 amended to read as follows:

30 "§23-1-4

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

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

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

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

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

50 (c) The permittee shall pay the cost of replacing the
51 road in as good condition as it was before ~~such the permitted~~
52 work was done ~~shall be paid by the person, firm, or~~
53 ~~corporation to whom or in whose behalf such permit was given.~~
54 ~~Such person, firm, or corporation so desiring such work~~ In
55 accordance with rules adopted by the department, an applicant
56 for a permit under this section shall furnish the state with a



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

65 (d) Upon the receipt of an application for a permit
66 relating to electric transmission facilities, the department
67 shall determine whether the application is complete. If it is
68 not complete, the department, within 14 calendar days of
69 receiving the application, shall respond to the applicant in
70 writing with a description of any deficiency in the
71 application. Within 42 calendar days of receiving a completed
72 application for a permit for electric transmission facilities,
73 the department shall approve or deny the application. Unless
74 waived by the applicant, if the department fails to approve or
75 deny the application for a permit within the required 42-day
76 period, the requested permit shall be deemed issued by the
77 department upon the posting of the deposit or bond required by
78 subsection (c).

79 (e) The department, by rule, shall establish
80 requirements for the application and issuance of the permit.

81 (f) Any electric provider that intends to construct, or
82 is constructing, electric transmission facilities involving
83 state-controlled roads may request that department
84 representatives meet with its employees and representatives at



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85 least once every six months in order to update the department
86 on the electric provider's electric transmission development
87 plans, and the department representatives shall meet within a
88 reasonable period."

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.