

BILL SUMMARY
2nd Session of the 60th Legislature

Bill No.:	HB 3520
Version:	POLPCS1
Request Number:	16021
Author:	Rep. Marti
Date:	2/12/2026
Impact:	Please see previous summary of this measure

Research Analysis

The proposed policy committee substitute to HB 3520 defines the following terminology used within this act:

- *Notice to relocate* means written notice issued by a public entity to a utility identifying facilities requiring relocation and providing final approved construction plans and proof of funding availability;
- *Public infrastructure project* means any street, road bridge, drainage, water, sewer, broadband, transit, or public improvement project funded by local, state, or federal funds.
- *Relocation* means the removal, movement, adjustment, or replacement of utility facilities required to accommodate a publicly funded infrastructure project; and
- *Utility* means any privately, publicly, or cooperatively owned line, system, or structure used to produce, transmit, or distribute essential services, including electricity, gas, oil, water, steam, communications, and sewage.

This measure provides a timeline for the relocation of utility facilities. Upon receipt of a Notice to Relocate, a utility must complete all required relocation with ninety (90) calendar days. If a utility has not completed a required relocation by the ninety-first day, the utility is liable for liquidated damages in the amount of Five Thousand Dollars (\$5,000.00) per day, per project, until the relocation is completed.

On the ninety-first day, a utility failing to complete relocation is liable for liquidated damages at a rate of Five Thousand Dollars (\$5,000.00) per day, per project, until the relocation is completed. *Liquidated damages:*

- Represent a reasonable estimate of public delay costs;
- Are not a penalty; and
- Are recoverable by the public entity funding the project.

This measure allows liquidated damages to be withheld from any relocation reimbursement or invoiced directly to the utility.

This act can be enforced by:

- Any municipality or county;
- The Department of Transportation; or
- Any other public entity funding the project.

District courts are the proper venue for requesting enforcement actions. Prevailing public entities are entitled to :

- Liquidated damages;
- Injunctive relief; and
- Recovery of attorney fees and court costs.

The measure also limits a utility's request for a written extension to the following:

- Natural disaster or act of nature;
- Federal permitting delays outside the utility's control;
- Material shortages certified by suppliers; or
- Extraordinary safety hazards.

The approval of extensions must be in writing and not exceed ninety (90) days per public infrastructure project.

Prepared By: Douglas Amos, House Research Staff

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.