

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

138Q0379

HOUSE BILL NO. 1121

Introduced by: Representatives Steele, Bolin, Elliott, Feickert, Hoffman, Hunhoff (Bernie), Kirkeby, Kopp, Lederman, Lust, McLaughlin, Novstrup (David), Olson (Betty), Schlekeway, Solum, Sorenson, Thompson, and Van Gerpen and Senators Fryslic, Bradford, Gant, Garnos, Howie, Maher, Miles, Novstrup (Al), Peterson, Rhoden, and Schmidt

1 FOR AN ACT ENTITLED, An Act to establish certain procedural requirements related to the
2 relocation of electrical lines, communication lines, and pipelines.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-26-23 be amended to read as follows:

5 31-26-23. ~~When~~ If any highway or public right-of-way along, under, or over which such
6 facilities have been constructed ~~shall be~~ is changed, the permit holder shall, upon ninety days'
7 notice in writing, unless otherwise mutually agreed upon, and with due regard to seasonal
8 conditions, remove or relocate ~~such~~ the facilities at its own cost. However, the Department of
9 Transportation or the public entity requesting removal or relocation of the facilities shall invite
10 all affected utilities to a preliminary design meeting during the planning and design phase of the
11 project and provide written notice of the meeting to any affected utility at least thirty days before
12 the preliminary design meeting, with information concerning the purpose of the project, the
13 proposed project design, proposed dates of any required relocations or removal, and the extent



1 to which the project involves any highway or urban extension.

2 The purpose of the preliminary design meeting is to limit the impact of the construction on
3 utility facilities and thereby eliminate or minimize the costs associated with utility facility
4 relocations. The preliminary design meeting is intended to foster cooperation among all entities,
5 reduce confusion, prevent delays, and speed completion of highway projects.

6 Notwithstanding any other provision of law, if the Department of Transportation or the
7 public entity requesting removal or relocation of utility facilities fails to provide written notice
8 of and conduct a preliminary design meeting as set forth in this section, the Department of
9 Transportation or public entity may not proceed with the ninety-day requirement to remove or
10 relocate the facilities until allowing the utility to provide input through the preliminary design
11 meeting.