

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0258

SENATE BILL NO. 44

Introduced by: The Committee on Transportation at the request of the Department of
Transportation

1 FOR AN ACT ENTITLED, An Act to authorize agreements for utilization of highway rights-of-
2 way by utilities and to provide for utility relocation.

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

4 Section 1. That chapter 31-26 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 31-26-23, the Department of Transportation may enter
7 into agreements with the owners of utility lines and facilities providing for the future relocation,
8 at the department's expense, of utility lines and facilities located within any highway right-of-
9 way. However, the department may enter into such agreements only if existing utility lines or
10 facilities on private property will be located within the right-of-way as the result of a highway
11 construction project.

