

## **BILL ANALYSIS**

Senate Research Center

S.B. 1988  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The mission of the Gulf Coast Rail District (district) is to address the problems of public commuting in the greater Houston region. This particular region has major traffic generators dispersed throughout the area and drastic congestion that is anticipated to persist through the future. S.B. 1988 adds transportation to the list of uses for which a political subdivision, such as the district, may contract with an electric utility with limited liability to the electric utility.

S.B. 1988 builds upon H.B. 931 of the 85th Regular Session which allowed transmission companies to enter into agreements for the use of their right-of-way underneath their lines for public benefit. This bill would allow the district to promote passenger transportation and make more land available for the increase of public transportation.

As proposed, S.B. 1988 amends current law relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 75.0022(c), (d), and (f), Civil Practice and Remedies Code, as follows:

(c) Authorizes an electric utility, as the owner, easement holder, occupant, or lessee of land, to enter into a written agreement with a political subdivision to allow public access to and use of the premises of the electric utility for recreation, exercise, relaxation, travel, transportation, or pleasure.

(d) Provides that the electric utility, by entering into an agreement under Section 75.0022 (Limited Liability of Certain Electric Utilities) or at any time during the term of the agreement, does not:

(1) assure that the premises are safe for recreation, exercise, relaxation, travel, transportation, or pleasure;

(2) owe to a person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure, or accompanying another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure, a greater degree of care than is owed to a trespasser on the premises; or

(3) except as provided by Subsection (e) (relating to providing that Subsection (d) does not limit the liability of an electric utility for serious bodily injury or death of a person proximately caused by the electric utility's willful or wanton acts or gross negligence with respect to a dangerous condition existing on the premises), assume responsibility or incur any liability for:

(A) damages arising from or related to bodily or other personal injury to or death of any person who enters the premises for recreation, exercise, relaxation, travel, transportation, or pleasure or accompanies another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure;

(B) property damage sustained by any person who enters the premises for recreation, exercise, relaxation, travel, transportation, or pleasure or accompanies another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure;

(C) an act of a third party that occurs on the premises, regardless of whether the act is intentional.

(f) Provides that the limitation on liability provided by Section 75.0022 applies only to a cause of action brought by a person who enters the premises for recreation, exercise, relaxation, travel, transportation, or pleasure or accompanies another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2021.