

Appendix B
Public Involvement

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October 31, 2024

<<Name>>
<<Address1>>
<<Address2>>
<<City>>, <<State>> <<Zip5>>-<<Zip4>>

Property ID Number: <<PID>>

Dear <<Name>>,

You are invited to attend a public meeting hosted by CenterPoint Energy Houston Electric, LLC ("CenterPoint Energy") to discuss and share information on the rebuilding of an existing 138 kilovolt (kV) electric transmission line in Galveston County known as the 138 kV Stewart-West Bay project. As a landowner near the existing electric transmission line, we value your input, feedback, questions, and comments and this is an opportunity for CenterPoint Energy to visit with you one-on-one about the process and project.

The date, time and location for the public meeting is:

**Thursday November 21, 2024
Parker Elementary School Gymnasium
6802 Jones Drive
Galveston, TX 77551
5:00 p.m. – 8:00 p.m.**

The existing 138 kV transmission line is being rebuilt to increase the resiliency of the transmission line connecting the Stewart Substation to the West Bay Substation. CenterPoint Energy is seeking to acquire additional aerial easement and ground easement in selected areas.

The Public Utility Commission of Texas will have the final ruling on CenterPoint Energy's filing of an Application for a Certificate of Convenience and Necessity and the acquisition of the additional rights-of-way.

Information stations with subject matter experts from CenterPoint Energy and environmental specialists from both CenterPoint Energy and a consulting and engineering firm under contract with CenterPoint Energy, POWER Engineers, will be available to share information about the need for the transmission project, the type of structures that will be used for the existing transmission line, construction methods to be used, and transmission right-of-way requirements. CenterPoint Energy will provide a questionnaire for landowners to complete regarding their preferences and to provide comments. Refreshments will be provided.

For more information about the proposed project, the public meetings, and a copy of the questionnaire, please visit our website at <http://www.centerpointenergy.com/stewart-westbayproject>, or contact the 138 kV Stewart-West Bay Substation project team at 713-207-7809 or email at stewart-westbayproject@centerpointenergy.com.

Sincerely,

A handwritten signature in blue ink that reads "Bradley J. Diehl".

Bradley Diehl
Manager, Transmission Policy

Enclosure

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1. In your opinion, has the need for the project been adequately explained to you?

- Churches, schools, nursing homes, hospitals, and cemeteries
- Commercial AM and FM radio transmitters, microwave relay stations, or other similar electronic installations
- Airports and landing strips
- Pastures or cropland irrigated by traveling irrigation systems
- Parks and recreational areas
- Historical and archaeological sites
- Environmentally sensitive areas
- Floodplain and floodway boundaries

Yes _____ No _____

[illegible]

Page 1 of 3

3. If you have a concern with a particular area along the existing transmission line shown on the exhibits or the attached map, please indicate the area and describe your concern.

4. Which of the following applies to you? Please describe the location. (See attached map.)

_____ The existing transmission line is near my home.
Describe location: _____

_____ The existing transmission line is near my business.
Describe location: _____

_____ The existing transmission line is on my land
Describe location: _____

_____ None of the above

_____ Other (please specify) _____

5. Did the information provided and exhibits displayed at the public meeting meet your needs?

Yes _____ No _____ If no, please explain: _____

6. Have you visited the Stewart to West Bay Project website (www.centerpointenergy.com/Stewart-WestBayProject) to view information about the project?

Yes _____ No _____

7. **Your name and contact information are optional, unless you have a question that you would like for us to answer.**

Name _____

☐ Do Not Contact Me ☐ Contact me regarding the following question (please specify)

I prefer to be contacted by: (choose all that apply)

☐ U.S. Mail Address _____

City _____ State _____ Zip _____

☐ Telephone (home) _____ (work) _____ (cell) _____

☐ Email Address _____

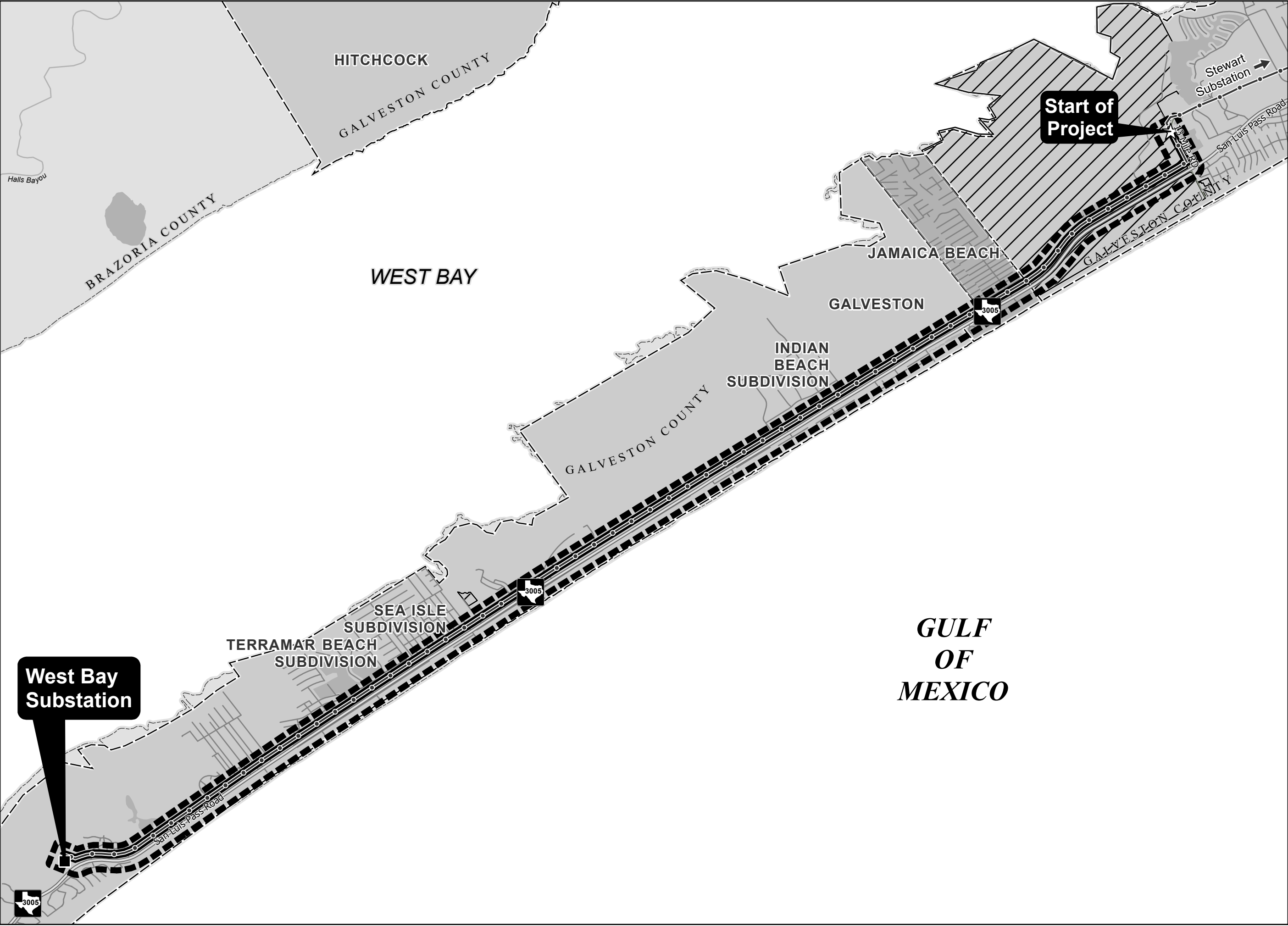
8. Additional comments (please specify): _____

THANK YOU FOR COMPLETING THE QUESTIONNAIRE. WE APPRECIATE YOUR INPUT.

Please drop off your completed questionnaire at the registration table as you leave the public meeting. If you need to take it with you to complete later, please mail or email it within 5 days to:

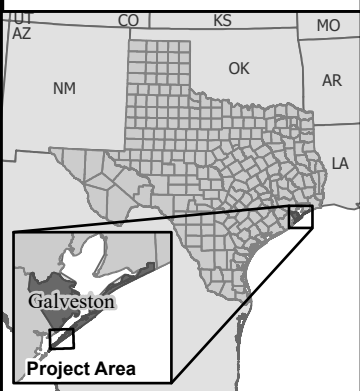
Wes Padgett, Stewart to West Bay CCN Project Manager
CenterPoint Energy
Transmission Operations, CNP-T 14th Floor
P.O. Box 1700
Houston, TX 77251-1700
Phone: (713) 207-7809
Email: Stewart-WestBayProject@centerpointenergy.com


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CENTERPOINT ENERGY
138 KV STEWART-WEST BAY
PROJECT
PROPOSED REBUILD
ROUTE

- ☆ Start of Project
- Existing Substation
- ▬ Portion of Existing Transmission Line to be Rebuilt
- ▬ Existing Transmission Line
- ▬ Farm-to-Market Road
- ▬ County / Local Road
- ▬ River / Stream
- ▬ Waterbody
- ▬ Galveston Island State Park
- ▬ City Limit
- ▬ County Boundary





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Miles



Date: 10/4/2024

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WELCOME TO CENTERPOINT ENERGY'S PUBLIC MEETING 138 kV STEWART-WEST BAY PROJECT

November 21, 2024

Thank you for attending CenterPoint Energy's public meeting for the 138 kV Stewart-West Bay Project. The purpose of the public meeting is to share information as well as gather input from the public on the Stewart-West Bay Project that will improve the resiliency of the transmission system between the Stewart and West Bay substations. CenterPoint Energy plans to rebuild the existing transmission line along FM 3005 using concrete poles with distribution underbuild. This will enhance the resiliency of the line. The transmission line currently resides in road right-of-way and will be rebuilt along the same alignment. CenterPoint Energy will need to acquire aerial easement from landowners that are directly adjacent to the transmission line.

Information stations and exhibits staffed by knowledgeable CenterPoint Energy representatives and environmental specialists from POWER Engineers will be available to explain the project and answer questions. Please visit the stations that are of interest to you; they include the following:

1. **Registration and Information:** You will be asked to sign in so that we may get an accurate count of tonight's participants. You will receive an information packet about the project and a questionnaire. The questionnaire is used to help CenterPoint Energy better understand any concerns you may have regarding the project and to provide information about any special circumstances. It is important that you complete this questionnaire to ensure that your comments and concerns about the project are taken into account.
2. **Right-Of-Way/Construction:** Photographs and drawings of the proposed transmission structure used to rebuild the current transmission line is available for viewing. A right-of-way agent is on hand to answer questions about the land requirements for the project and the process used when necessary to obtain aerial easements across private property. In addition, transmission experts will address design and construction questions, including construction methods and materials.
3. **EMF Information:** Information regarding electric and magnetic fields (EMF) is available at this station from a CenterPoint Energy representative familiar with EMF issues.
4. **Environmental:** The environmental evaluation criteria for the existing transmission line as well as the governmental agencies and organizations that have already been contacted about this project are listed. Aerial photographic maps are available that depict the existing CenterPoint Energy transmission line, pipelines, roadways, and property lines along the transmission line. Maps depicting known constraint areas are also available for viewing. Environmental specialists from POWER Engineers will address environmental questions.
5. **GIS Computer Stations:** Geographic Information System (GIS) computer stations with expert operators from POWER Engineers are available to display and print specific land parcels and area properties in relation to the proposed preliminary transmission line segments.
6. **Refreshments:** Snacks and drinks are available while completing the questionnaire.
7. **Questionnaire Drop Off:** Please drop off the completed questionnaire at the registration table as you leave the public meeting. If you need to take it with you to complete later, please mail or email it within 5 days to:

Wes Padgett, Stewart-West Bay Project CCN Project Manager

CenterPoint Energy, CNP-T 14th Floor

P.O. Box 1700

Houston, TX 77251-1700

Phone: 713-207-7809, Email: Stewart-WestBayProject@centerpointenergy.com

Website: <http://www.centerpointenergy.com/stewart-westbayproject>

FAQ's for 138 kV Stewart-West Bay Project

Who is CenterPoint Energy Houston Electric, LLC?

CenterPoint Energy Houston Electric, LLC (CenterPoint Energy or the Company) maintains the wires, towers, poles, and electric infrastructure serving more than two million end-use customers in a 5,000-square-mile electric service territory in the Houston metropolitan area. While the Company's employees ensure the reliable delivery of electricity from power plants to homes and businesses, the Company neither generates nor sells it to customers. The Company is an indirect, wholly-owned subsidiary of CenterPoint Energy, Inc.

Headquartered in Houston, Texas, CenterPoint Energy, Inc. is a domestic energy delivery company that includes electric transmission & distribution, natural gas distribution and energy services operations. The company serves nearly seven million metered customers primarily in Indiana, Louisiana, Minnesota, Mississippi, Ohio, and Texas. With more than 9,600 employees, CenterPoint Energy, Inc. and its predecessor companies have been in business for more than 140 years.

What is the Public Utility Commission of Texas (PUC)?

The PUC is the state agency created by the Texas Legislature to regulate the rates and services of electric, telecommunication and water utilities throughout the state.

What is the Electric Reliability Council of Texas (ERCOT)?

ERCOT manages the flow of electric power to 26 million Texas customers, representing 90 percent of the state's electric load. CenterPoint Energy's service territory is located within the footprint of ERCOT. As the independent system operator for the region, ERCOT oversees activities related to the reliable and safe transmission of electricity by scheduling power on an electric grid that connects more than 52,700 miles of transmission lines and more than 1,030 generation units. ERCOT is a membership-based nonprofit corporation, governed by a board of directors and subject to oversight by the PUC and the Texas Legislature. ERCOT's members include consumers, cooperatives, generators, power marketers, retail electric providers, investor-owned electric utilities (transmission and distribution providers including CenterPoint Energy), and municipally-owned electric utilities.

What are transmission lines?

Transmission lines are a part of the interconnected power system that moves electricity from generators to substations, where the electricity is reduced in voltage and then delivered to end-use consumers over the distribution system that connects to businesses and homes. Transmission lines are larger, operate at higher voltages, and typically convey electricity over

longer distances. Distribution lines are smaller, operate at lower voltages, and convey electricity over shorter distances within cities and neighborhoods.

What is the 138 kV Stewart-West Bay Project?

The 138 kV Stewart-West Bay Project is an existing 138 kV double circuit electric transmission line that CenterPoint Energy proposes to rebuild using concrete and steel poles to improve resiliency.

Where is the 138 kV Stewart-West Bay Project located?

The 138 kV Stewart-West Bay Project is located along the road right of-way of Stewart Road and FM 3005.

Why is the 138 kV Stewart-West Bay Project needed?

This line is the only feed into West Bay Substation and would impact the entire west side of Galveston Island in the event of a failure. The proposed rebuild is needed for system hardening to improve resiliency of the line against hurricane-force winds and extreme cold weather conditions. CenterPoint Energy is proposing to rebuild the existing transmission line in the road right-of-way and in the same alignment. CenterPoint will need to acquire aerial easement along the route to maintain proper electric clearances for safety and resiliency.

What is the process for the approval of the 138 kV Stewart-West Bay Project transmission line?

CenterPoint Energy will gather input from the community through a public meeting process and other sources for the preparation of the environmental assessment of CenterPoint's existing transmission line. After that information is gathered and the public meeting process is concluded, CenterPoint Energy will prepare and file an *Application for a Certificate of Convenience & Necessity (CCN) for a Proposed Transmission Line* with the PUC. The PUC will decide whether the application should be approved or not.

What type of structures will be used on the new transmission line?

The typical structure proposed for the rebuilding of the existing transmission line will be a 105-foot double-circuit concrete or steel pole with distribution underbuild.

Will CenterPoint Energy hold Public Meetings?

Yes. Consistent with PUC rules and prior to filing a CCN application, CenterPoint Energy will hold a public meeting for the project to address concerns or questions from landowners and other interested parties. CenterPoint Energy will share information about the project and gather input

from the public. Individuals attending the public meeting will have an opportunity to make comments, ask questions, and express any concerns that they might have about the project. Representatives from CenterPoint Energy and POWER Engineers will be present at the public meeting. The public meeting will be held on **Thursday November 21, 2024, from 5:00 p.m. to 8:00 p.m. at Parker Elementary School at 6802 Jones Drive, Galveston, TX 77551.**

How do I participate in the process?

One way to become involved in a case before the Commission is to intervene in the proceeding. An intervenor is a person who, upon showing a justifiable interest, is permitted to become a party to the proceeding. Intervenors are full participants in the proceeding and make legal arguments, conduct discovery, file testimony, cross-examine witnesses, and are themselves, if they testify, subject to cross-examination by the other parties in the case. You must file a document requesting to intervene with the PUC that conforms to the rules and practices of the PUC, and mail the motion to all parties of record in the proceeding. The request to intervene can be in the form of a letter and must be filed with the PUC. If you do not wish to be a full participant in this proceeding, you may file a document protesting the transmission facility. A Protestor is a person or organization opposing any matter contained in the application or petition submitted to the PUC. Protestors are not parties to the case and may not conduct discovery, cross-examine witnesses, or present a direct case. Protestors may, however, make a written or verbal statement for the record in support of or in opposition to the application and give information to the PUC staff that they believe may be helpful. If you intend to be a protestor, you can either send written comments stating your position regarding the application, or if the docket progresses to a hearing, a statement of protest can be made on the first day of hearing. Although public comments are not sworn and therefore not treated as evidence, they help inform the PUC and its staff of the public concerns and to identify issues to be explored. The PUC welcomes such participation in its proceedings.

How will CenterPoint Energy compensate landowners if it is necessary for the transmission line to cross their property?

Once the PUC has approved the project, CenterPoint Energy will make a bona fide offer to the landowner when purchasing right-of-way or easement following the requirements of Texas law and will provide landowners with a copy of the State of Texas Landowner's Bill of Rights. In cases where the parties do not agree on the value of the property, the land value will be determined in a condemnation proceeding where special commissioners, appointed by a judge, will determine the value of the property following a hearing where all interested parties are entitled to provide evidence of valuation.

Public Utility Commission

Certification Process for Transmission Lines

Define Project

- Identify beginning and end points for project (Existing 138 kV Corridor/ROW)

Environmental Assessment And Routing Analysis

- Identify study area based on project definition.
- Gather data about study area.
- Map environmental and land use constraints in study area.
- Confirm transmission line route based on maps, aerial photos, constraints data, and field visits.
- Hold open house to gather public input.

YOU
ARE
HERE

PUC Application Process

- Submit an application to the PUC to amend CenterPoint Energy's Certificate of Convenience and Necessity (CCN).
- Upon filing of the application, notices will be sent to landowners whose property is crossed or is within 300 feet of the route.
- Notices also will be sent to municipalities and electric utilities that are within five miles of the project and to municipal and county governments where the project is located.
- Following the filing of the application, there will be an intervention opportunity for interested parties.
- Approval of a CCN application gives CenterPoint Energy the authorization to build the new transmission project along the route approved by the PUC.

PUC Staff Review

PUC staff conducts review and makes recommendation to approve project as submitted or approve with modifications.

NO

Intervention?

YES

Administrative Hearing

- Technical review of project route
- Testimony filed by all parties
- Administrative hearing
- Administrative Law Judge prepares proposed final order

Within 6 months after application is submitted.

PUC Makes Decision

- Approve application
- Approve application with modifications
- Deny

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138 kV Stewart-West Bay Project

Anticipated Project Schedule



Transmission Line Project Phases	Duration	Start	Finish
Routing Study, Environmental Assessment, and Public Meetings	In Progress	Sept 2024	November 2024
CCN Application Preparation/Filing	4 months	November 2024	March 2025
PUC Approval	6 months	April 2025	September 2025
ROW Activities	12 months	October 2025	October 2026
Transmission Construction	12 Months	October 2026	October 2027

Acronyms

CCN	Certificate of Convenience and Necessity
PUC	Public Utility Commission of Texas
ROW	Right-of-Way

138 kV Stewart-West Bay Project Need

➤ Resiliency:

- All 189 structures within this hardening project carry double 138KV transmission circuit and 1 distribution circuit underbuilt
- This line is the only feed into West Bay substation and would impact the entire west side of Galveston Island in the event a failure takes place
- Proposed rebuild is needed for system hardening to improve resiliency of the line against hurricane-force winds and extreme cold weather conditions

➤ Right-of-Way:

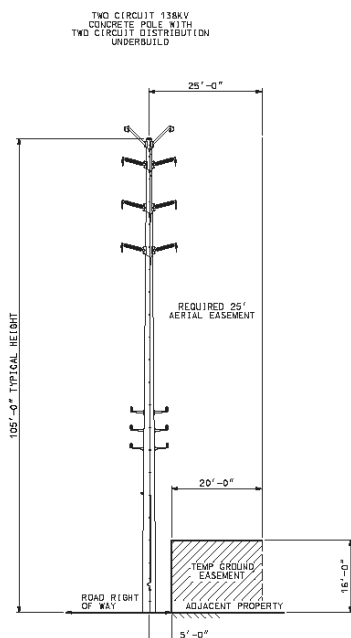
- Proposed rebuild of the double circuit along San Luis Pass Rd will be partially in TXDOT ROW and partially overhanging private property
- Proposed poles are wider in diameter and are being relocated



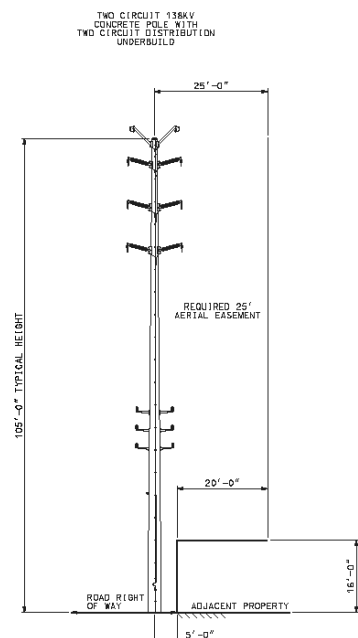
Typical 138 kV Construction

Double-Circuit Concrete Pole

Road Right-of-Way



Temporary Easement used During Construction



Permanent Easement after Construction

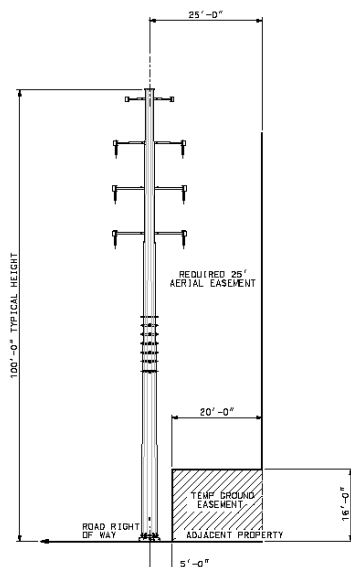
Typical 138 kV Construction

Double-Circuit Steel Pole

Road Right-of-Way

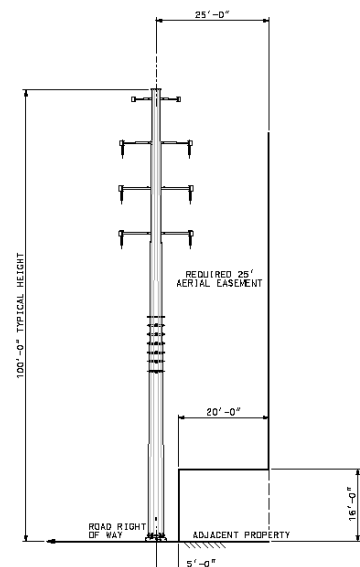


TWO CIRCUIT 138KV
STEEL POLE WITH
DISTRIBUTION UNDERBUILD



Temporary Easement used During Construction

TWO CIRCUIT 138KV
STEEL POLE WITH
DISTRIBUTION UNDERBUILD



Permanent Easement after Construction



Guide for Landowners Affected by a New Electric Transmission Line Route

Why am I receiving this notice?

You are receiving this notice because your property is near one of the possible routes for a proposed electric transmission line. You can find maps of the proposed routes on the website of the company that applied to build the line.

What does the Public Utility Commission of Texas (PUCT) do?

The PUCT is the Texas state agency that decides if a transmission line is needed and what route the line will follow. The PUCT does not build or operate electric transmission lines.

What are transmission lines and why do we need them?

Electric transmission lines carry electricity long distances across the state. They bring electricity from power plants to cities and neighborhoods where they link to smaller wires called distribution-level wires, that carry electricity to individual customers' homes and businesses. New electric transmission lines are needed where there is growth in electricity demand or where existing transmission lines are at full capacity.

Public Participation in the Transmission Line Siting Process

How can I participate?

Depending on the level of participation you choose, you can either be a protestor or an intervenor.

- **Protestors** – If you have concerns about the transmission line, you can send us written comments about the proposed routes. These comments are filed in the public record and are available to anyone who is interested in the application. Comments help inform the PUCT Commissioners and staff of the public concerns.
- **Intervenors** – Intervening makes you an official participant in the legal case where the transmission line and the route are debated in front of a judge and the PUC Commissioners. You will be allowed to present evidence in the case and can cross-examine witnesses. You can testify in the case and may also be cross-examined by the other parties in the case. Intervenors must follow along with the process of the case, respond to requests from the Administrative Law Judge (ALJ) and other parties, and actively participate in the case. Otherwise, they may lose their status as an intervenor. Intervenors are not required to have an attorney.

Why should I participate?

If you have any concerns about the proposed routes, the PUCT encourages you to participate in the siting process. As a landowner, you have detailed knowledge of the impacted area that might not be reflected in the application. Sharing your knowledge with the PUCT allows us to make better-informed decisions about the route of the line.

How can I follow the process?

All the documents related to a case are filed in the PUCT public document interchange. You can search for the case by name or by the five-digit docket number. You can also sign up to receive a notification every time a new document is added related to the case. The interchange is at <https://interchange.puc.texas.gov/>

What is the process?

After the company applies to build a new transmission line to the PUCT, technical staff reviews the application. The PUCT sends the application to the State Office of Administrative Hearings (SOAH) when an intervenor or technical staff requests a hearing. A SOAH judge will schedule a prehearing conference to address procedural matters, including setting a procedural schedule for the case. The procedural schedule will set a hearing date, deadlines to request information from other participants and deadlines to file written testimony prior to the hearing. SOAH conferences and hearings can be held by video conference with a call-in option. All participants in the case must attend the hearing to have their written testimony entered into evidence. After the hearing, the SOAH judge will give the PUCT a recommendation about the route.

The PUCT Commissioners are not bound by this recommendation in selecting a route for the transmission line. The PUCT Commissioners will issue a final decision at a public meeting, which the people participating in the case can attend and request to make a statement. The PUCT Commissioners can and sometimes do make alterations to the route in response to statements from landowners. The company building the transmission line will then negotiate with landowners for the easements on their property. PUCT Commissioners meet in public meetings broadcast online.

During the time the case is going through the hearing process, participants in the case also negotiate to find a route that satisfies everyone. The PUCT Commissioners are not required to approve a negotiated route.

The entire process can take up to six months.

Where do I go for more information?

The company that has applied to build the line will have maps on their website. For more information about how to participate in the process please contact the PUCT Office of Public Engagement <https://www.puc.texas.gov/agency/about/ope/> or 512-936-7374.

Comments in Docket No. _____

If you want to be a PROTESTOR only, please complete this form. Although public comments are not treated as evidence, they help inform the PUC and its staff of the public concerns and identify issues to be explored. The PUC welcomes such participation in its proceedings.

For USPS, send one copy to:

Public Utility Commission of Texas
Central Records
P.O. Box 13326
Austin, TX 78711-3326

For all other delivery or courier services, send one copy to:

Public Utility Commission of Texas
Central Records
1701 N. Congress Ave.
Austin, TX 78701

First Name: _____ Last Name: _____

Phone Number: _____ Fax Number: _____

Address, City, State: _____

I am NOT requesting to intervene in this proceeding. As a PROTESTOR, I understand the following:

- I am NOT a party to this case;
- My comments are not considered evidence in this case; and
- I have no further obligation to participate in the proceeding.

Please check one of the following:

- ☐ I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- ☐ One or more of the utility's proposed routes would cross my property.
- ☐ Other. Please describe and provide comments. You may attach a separate page, if necessary. _____

Signature of person submitting comments:

_____ Date: _____

Request to Intervene in PUC Docket No.

The following information must be submitted by the person requesting to intervene in this proceeding. This completed form will be provided to all parties in this docket. **If you DO NOT want to be an intervenor, but still want to file comments, please complete the "Comments" page.**

For USPS, send one copy to:

Public Utility Commission of Texas
Central Records
P.O. Box 13326
Austin, TX 78711-3326

For all other delivery or courier services, send one copy to:

Public Utility Commission of Texas
Central Records
1701 N. Congress Ave.
Austin, TX 78701

First Name: _____ Last Name: _____

Phone Number: _____ Fax Number: _____

Address, City, State: _____

Email Address: _____

I am requesting to intervene in this proceeding. As an INTERVENOR, I understand the following:

- I am a party to the case;
- I am required to respond to all discovery requests from other parties in the case;
- If I file testimony, I may be cross-examined in the hearing;
- If I file any documents in the case, I will have to provide a copy of that document to every other party in the case; and
- I acknowledge that I am bound by the Procedural Rules of the Public Utility Commission of Texas (PUC) and the State Office of Administrative Hearings (SOAH).

Please check one of the following:

- ☐ I own property with a habitable structure located near one or more of the utility's proposed routes for a transmission line.
- ☐ One or more of the utility's proposed routes would cross my property.
- ☐ Other. Please describe and provide comments. You may attach a separate page, if necessary.

Signature of person requesting intervention:

_____ Date: _____



THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

This Landowner's Bill of Rights applies to any attempt to condemn your property. The contents of this Bill of Rights are set out by the Texas Legislature in Texas Government Code section 402.031 and chapter 21 of the Texas Property Code. Any entity exercising eminent domain authority must provide a copy of this Bill of Rights to you.

1. You are entitled to receive adequate compensation if your property is condemned.
2. Your property can only be condemned for a public use.
3. Your property can only be condemned by a governmental entity or private entity authorized by law to do so.
4. The entity that wants to acquire your property must notify you that it intends to condemn your property.
5. The entity proposing to acquire your property must provide you with a written appraisal from a certified appraiser detailing the adequate compensation you are owed for your property.
6. If you believe that a registered easement or right-of-way agent acting on behalf of the entity that wants to acquire your property has engaged in misconduct, you may file a written complaint with the Texas Real Estate Commission (TREC) under section 1101.205 of the Texas Occupations Code. The complaint should be signed and may include any supporting evidence.
7. The condemning entity must make a bona fide offer to buy the property before it files a lawsuit to condemn the property—meaning the condemning entity must make a good faith offer that conforms with chapter 21 of the Texas Property Code.
8. You may hire an appraiser or other professional to determine the value of your property or to assist you in any condemnation proceeding.
9. You may hire an attorney to negotiate with the condemning entity and to represent you in any legal proceedings involving the condemnation.
10. Before your property is condemned, you are entitled to a hearing before a court-appointed panel of three special commissioners. The special commissioners must determine the amount of compensation the condemning entity owes for condemning your property. The commissioners must also determine what compensation, if any, you are entitled to receive for any reduction in value of your remaining property.
11. If you are unsatisfied with the compensation awarded by the special commissioners, or if you question whether the condemnation of your property was proper, you have the right to a trial by a judge or jury. You may also appeal the trial court's judgment if you are unsatisfied with the result.



CONDEMNATION PROCEDURE

Eminent domain is the legal authority certain governmental and private entities have to condemn private property for public use in exchange for adequate compensation. Only entities authorized by law to do so may condemn private property. Private property can include land and certain improvements that are on that property.

WHO CAN I HIRE TO HELP ME?

You can hire an appraiser or real estate professional to help you determine the value of your property as well as an attorney to negotiate with a condemning entity or to represent you during condemnation proceedings.

WHAT QUALIFIES AS A PUBLIC PURPOSE OR USE?

Your property may be condemned only for a purpose or use that serves the general public. This could include building or expanding roadways, public utilities, parks, universities, and other infrastructure serving the public. Texas law does not allow condemning authorities to exercise eminent domain for tax revenue or economic development.

WHAT IS ADEQUATE COMPENSATION?

Adequate compensation typically means the market value of the property being condemned. It could also include certain damages if your remaining property's market value is diminished by the condemnation or the public purpose for which it is being condemned.

OTHER THAN ADEQUATE COMPENSATION, WHAT OTHER COMPENSATION COULD I BE OWED?

If you are displaced from your residence or place of business, you may be entitled to reimbursement for reasonable expenses incurred while moving to a new site. However, reimbursement costs may not be available if those expenses are recoverable under another law. Also, reimbursement costs are capped at the market value of the property.

WHAT DOES A CONDEMNOR HAVE TO DO BEFORE CONDEMNING MY PROPERTY?

- ◆ Provide you a copy of this Landowner's Bill of Rights before, or at the same time as, the entity first represents that it possesses eminent domain authority. It is also required to send this Landowner's Bill of Rights to the last known

address of the person listed as the property owner on the most recent tax roll at least seven days before making its final offer to acquire the property.

- If the condemnor seeks to condemn a right-of-way easement for a pipeline or electric transmission line and is a private entity, the condemnor must also provide you a copy of the Landowner's Bill of Rights addendum.
- The addendum describes the standard terms required in an instrument conveying property rights (such as a deed transferring title or an easement spelling out the easement rights) and what terms you can negotiate.
- ◆ Make a bona fide offer to purchase the property. This process is described more fully in chapter 21 of the Texas Property Code. A "bona fide offer" involves both an initial written offer as well as a final written offer.
 - The initial written offer must include:
 - » a copy of the Landowner's Bill of Rights and addendum (if applicable);
 - » either a large-font, bold-print statement saying whether the offered compensation includes damages to the remainder of your remaining property or a formal appraisal of the property that identifies any damages to the remaining property (if any);
 - » the conveyance instrument (such as an easement or deed); and
 - » the name and telephone number of an employee, affiliate, or legal representative of the condemning entity.
 - The final written offer must be made at least 30 days after the initial written offer and must include, if not previously provided:
 - » compensation equal to or more than the amount listed in a written, certified appraisal that is provided to you;
 - » copies of the conveyance instrument; and
 - » the Landowner's Bill of Rights.
- ◆ Disclose any appraisal reports. When making its initial offer, the condemning entity must share its appraisal reports that relate to the property from the past 10 years. You have the right to discuss the offer with others and to either accept or reject the offer made by the condemning entity.

WHAT IF I DO NOT ACCEPT AN OFFER BY THE CONDEMNING AUTHORITY?

The condemnor must give you at least 14 days to consider the final offer before filing a lawsuit to condemn your property, which begins the legal condemnation process.

HOW DOES THE LEGAL CONDEMNATION PROCESS START?

The condemnor can start the legal condemnation process by filing a lawsuit to acquire your property in the appropriate court of the county where the property is located. When filing the petition, the condemnor must send you a copy of the petition

by certified mail, return receipt requested, and first class mail. It must also send a copy to your attorney if you are represented by counsel.

WHAT DOES THE CONDEMNOR HAVE TO INCLUDE IN THE LAWSUIT FILED WITH THE COURT?

The lawsuit must describe the property being condemned and state the following: the public use; your name; that you and the condemning entity were unable to agree on the value of the property; that the condemning entity gave you the Landowner's Bill of Rights; and that the condemning entity made a bona fide offer to voluntarily purchase the property from you.

SPECIAL COMMISSIONERS' HEARING AND AWARD

No later than 30 days after the condemning entity files a condemnation lawsuit in court, the judge will appoint three local landowners to serve as special commissioners and two alternates. The judge will promptly give the condemnor a signed order appointing the special commissioners and the condemnor must give you, your lawyer, and other parties a copy of the order by certified mail, return receipt requested. The special commissioners will then schedule a condemnation hearing at the earliest practical time and place and to give you written notice of the hearing.



monetary compensation for the value of the property condemned and the value of any damages to the remaining property. They do not decide whether the condemnation is necessary or if the public use is proper. Further, the special commissioners do not have the power to alter the terms of an easement, reduce the size of the land acquired, or say what access will be allowed to the property during or after the condemnation. The special commissioners also cannot determine who should receive what portion of the compensation they award. Essentially, the special commissioners are empowered only to say how much money the condemnor should pay for the land or rights being acquired.

WHO CAN BE A SPECIAL COMMISSIONER?

Special commissioners must be landowners and residents in the county where the condemnation proceeding is filed, and they must take an oath to assess the amount of adequate compensation fairly, impartially, and according to the law.

WHAT DO THE SPECIAL COMMISSIONERS DO?

The special commissioners' job is to decide what amount of money is adequate to compensate you for your property. The special commissioners will hold a hearing where you and other interested parties may introduce evidence. Then the special commissioners will determine the amount of money that is adequate compensation and file their written decision, known as an "Award," in the court with notice to all parties. Once the Award is filed, the condemning entity may take possession and start using the property being condemned, even if one or more parties object to the Award of the special commissioners.

ARE THERE LIMITATIONS ON WHAT THE SPECIAL COMMISSIONERS CAN DO?

Yes. The special commissioners are tasked only with determining

WHAT IF I WANT TO OBJECT TO A SPECIAL COMMISSIONER?

The judge must provide to the parties the names and contact information of the special commissioners and alternates. Each party will have up to 10 days after the date of the order appointing the special commissioners or 20 days after the date the petition was filed, whichever is later, to strike one of the three special commissioners. If a commissioner is struck, an alternate will serve as a replacement. Another party may strike a special commissioner from the resulting panel within three days after the date the initial strike was filed or the date of the initial strike deadline, whichever is later.

WHAT WILL HAPPEN AT THE SPECIAL COMMISSIONERS' HEARING?

The special commissioners will consider any evidence (such as appraisal reports and witness testimony) on the value of your condemned property, the damages or value added to remaining property that is not being condemned, and the condemning entity's proposed use of the property.

WHAT ARE MY RIGHTS AT THE SPECIAL COMMISSIONERS' HEARING?

You have the right to appear or not appear at the hearing. If you do appear, you can question witnesses or offer your own evidence on the value of the property. The condemning entity must give you all existing appraisal reports regarding your property used to determine an opinion of value at least three days before the hearing. If you intend to use appraisal reports to support your claim about adequate compensation, you must provide them to the condemning entity 10 days after you receive them or three business days before the hearing, whichever is earlier.

DO I HAVE TO PAY FOR THE SPECIAL COMMISSIONERS' HEARING?

If the special commissioners' award is less than or equal to the amount the condemning entity offered to pay before the proceedings began, then you may be financially responsible for the cost of the condemnation proceedings. But, if the award is more than the condemning entity offered to pay before the proceedings began, then the condemning entity will be responsible for the costs.

WHAT DOES THE CONDEMNOR NEED TO DO TO TAKE POSSESSION OF THE PROPERTY?

Once the condemning entity either pays the amount of the award to you or deposits it into the court's registry, the entity may take possession of the property and put the property to public use. Non-governmental condemning authorities may also be required to post bonds in addition to the award amount. You have the right to withdraw funds that are deposited into the registry of the court, but when you withdraw the money, you can no longer challenge whether the eminent domain action is valid—only whether the amount of compensation is adequate.

OBJECTING TO THE SPECIAL COMMISSIONERS' AWARD

If you, the condemning entity, or any other party is unsatisfied with the amount of the award, that party can formally object. The objection must be filed in writing with the court and is due by the first Monday following the 20th day after the clerk gives notice that the commissioners have filed their award with the court. If no party timely objects to the special commissioners' award, the court will adopt the award amount as the final compensation due and issue a final judgment in absence of objection.

WHAT HAPPENS AFTER I OBJECT TO THE SPECIAL COMMISSIONERS' AWARD?

If a party timely objects, the court will hear the case just like other civil lawsuits. Any party who objects to the award has the

right to a trial and can elect whether to have the case decided by a judge or jury.

WHO PAYS FOR TRIAL?

If the verdict amount at trial is greater than the amount of the special commissioners' award, the condemnor may be ordered to pay costs. If the verdict at trial is equal to or less than the amount the condemnor originally offered, you may be ordered to pay costs.

IS THE TRIAL VERDICT THE FINAL DECISION?

Not necessarily. After trial any party may appeal the judgment entered by the court.



DISMISSAL OF THE CONDEMNATION ACTION

A condemnation action may be dismissed by either the condemning authority itself or on a motion by the landowner.

WHAT HAPPENS IF THE CONDEMNING AUTHORITY NO LONGER WANTS TO CONDEMN MY PROPERTY?

If a condemning entity decides it no longer needs your condemned property, it can file a motion to dismiss the condemnation proceeding. If the court grants the motion to dismiss, the case is over, and you can recover reasonable and necessary fees for attorneys, appraisers, photographers, and for other expenses up to that date.

WHAT IF I DO NOT THINK THE CONDEMNING ENTITY HAS THE RIGHT TO CONDEMN MY PROPERTY?

You can challenge the right to condemn your property by filing a motion to dismiss the condemnation proceeding. For example, a landowner could challenge the condemning entity's claim that it seeks to condemn the property for a public use. If

the court grants the landowner's motion, the court may award the landowner reasonable and necessary fees and expenses incurred to that date.

CAN I GET MY PROPERTY BACK IF IT IS CONDEMNED BUT NEVER PUT TO A PUBLIC USE?

You may have the right to repurchase your property if your property is acquired through eminent domain and:

- ◆ the public use for which the property was acquired is canceled before that property is put to that use,
- ◆ no actual progress is made toward the public use within 10 years, or
- ◆ the property becomes unnecessary for public use within 10 years.

The repurchase price is the price you were paid at the time of the condemnation.

ADDITIONAL RESOURCES AND ADDENDA

For more information about the procedures, timelines, and requirements outlined in this document, see chapter 21 of the Texas Property Code. An addenda discussing the terms required for an instrument of conveyance under Property Code section 21.0114(c), and the conveyance terms that a property owner may negotiate under Property Code section 21.0114(d), is attached to this statement.

The information in this statement is intended to be a summary of the applicable portions of Texas state law as required by HB 1495, enacted by the 80th Texas Legislature, Regular Session, and HB 2730, enacted by the 87th Texas Legislature, Regular Session. This statement is not legal advice and is not a substitute for legal counsel.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

ADDENDUM A:

Required Terms for an Instrument Conveying a Pipeline Right-of-Way Easement or an Easement Related to Pipeline Appurtenances¹

(1) The maximum number of pipelines that may be installed in the right-of-way acquired through this instrument is ____.

(2) The types of pipeline appurtenances that are authorized to be installed under this instrument for pipeline-related appurtenances, such as pipes, valves, compressors, pumps, meters, pigging stations, dehydration facilities, electric facilities, communication facilities, and any other appurtenances that may be necessary or desirable in connection with a pipeline, are described as follows: ____.

(3) The maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed under this instrument for a pipeline right-of-way is ____.

(4) For each pipeline to be installed under this instrument, the type or category of substances permitted to be transported through each pipeline is ____.

(5) Any aboveground equipment or facility that Grantee² intends to install, maintain, or operate under this instrument on the surface of the pipeline easement is described as follows: ____.

(6) A description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property, is attached as Exhibit ____.

(7) The maximum width of the easement under this instrument is ____.

(8) For each pipeline to be installed under this instrument, the minimum depth at which the pipeline will initially be installed is ____.

(9) The entity installing pipeline(s) under this instrument: (check one)

- ☐ intends to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling.
- ☐ does not intend to double-ditch areas of the pipeline easement that are not installed by boring or horizontal directional drilling.

(10) Grantee shall provide written notice to Grantor³, at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property, if and when Grantee assigns any interest conveyed under this instrument to another entity, provided that this provision does not require notice by Grantee for assignment to an affiliate or to a successor through merger, consolidation, or other sale or transfer of all or substantially all of its assets and businesses.

(11) The easement rights conveyed by this instrument are: (check one)

- ☐ exclusive.
- ☐ nonexclusive.

¹ The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

² "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the pipeline easement.

³ "Grantor" is the property owner from whom the Grantee is acquiring the pipeline easement.

(12) Grantee may not grant to a third party access to the easement area for a purpose that is not related to one of the following: the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument or of pipeline appurtenances to be installed under this instrument.

(13) Grantor: (check one)

- ☐ may recover from Grantee actual monetary damages, if any, arising from the construction and installation of each pipeline to be installed under this instrument.
- ☐ acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the construction and installation of each pipeline to be installed under this instrument.

(14) After initial construction and installation of each pipeline installed under this instrument, Grantor: (check one)

- ☐ may recover from Grantee actual monetary damages, if any, arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument.
- ☐ acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed under this instrument.

(15) Grantor: (check one)

- ☐ and Grantee agree, with regard to Grantee's removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by Grantee under this instrument, that Grantee will access and secure the easement acquired under this instrument as follows: _____.
- ☐ may recover from Grantee payment for monetary damages, if any, caused by Grantee to gates and fences, if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument.
- ☐ acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to gates and fences.

(16) With regard to restoring the pipeline easement area acquired under this instrument and Grantor's remaining property used by Grantee to as near to original condition as is reasonably practicable and maintaining the easement in a manner consistent with the purposes for which the easement is to be used under this instrument: (check one)

- ☐ Grantee will be responsible for the restoration.
- ☐ Grantee will reimburse Grantor for monetary damages that arise from damage to the pipeline easement area or the Grantor's remaining property, if any, caused by the Grantee and not restored or paid for as part of the consideration for the instrument.
- ☐ acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to the pipeline easement area or the Grantor's remaining property.

(17) Grantee's rights of ingress, egress, entry, and access on, to, over, and across Grantor's property under this instrument are described as follows: _____.

(18) Grantee may not make use of the property rights acquired by this instrument, other than as provided by this instrument, without the express written consent of Grantor.

(19) The terms of this instrument bind the heirs, successors, and assigns of Grantor and Grantee.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

ADDENDUM B:

Required Terms for an Instrument Conveying an Electric Transmission Line Right-of-Way Easement⁴

(1) The uses of the surface of the property to be encumbered by the electric transmission line right-of-way easement acquired by Grantee⁵ under this instrument are generally described as follows: _____.

(2) A description or illustration of the location of the electric transmission line right-of-way easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property, is attached as Exhibit _____.

(3) The maximum width of the electric transmission line right-of-way easement acquired by this instrument is _____.

(4) Grantee will access the electric transmission line right-of-way easement acquired under this instrument in the following manner: _____.

(5) Grantee may not grant to a third party access to the electric transmission line right-of-way easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of the electric and appurtenant facilities installed under this instrument.

(6) Grantor⁶: (check one)

- ☐ may recover from Grantee actual monetary damages, if any, arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement, if any.
- ☐ acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, arising from the construction, operation, repair, maintenance, inspection, replacement, and future removal of lines and support facilities after initial construction in the easement.

(7) Grantor: (check one)

- ☐ and Grantee agree, with regard to Grantee's removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by Grantee under this instrument, that Grantee will access and secure the easement acquired under this instrument as follows: _____
- ☐ may recover from Grantee payment for monetary damages, if any, caused by Grantee to gates and fences, if any, to the extent that the gates or fences are not restored or paid for as part of the consideration paid for the instrument.
- ☐ acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to gates and fences.

⁴ The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

⁵ "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the electric transmission line right-of-way easement.

⁶ "Grantor" is the property owner from whom the Grantee is acquiring the electric transmission line right-of-way easement.

(8) Grantee shall restore the easement area and Grantor's remaining property to their original contours and grades, to the extent reasonably practicable, unless Grantee's safety or operational needs and the electric facilities located on the easement would be impaired. With regard to restoring the electric transmission line right-of-way easement area acquired under this instrument and Grantor's remaining property used by Grantee to as near to original condition as is reasonably practicable following future damages, if any, directly attributed to Grantee's use of the easement: (check one)

- ☐ Grantee will be responsible for the restoration, unless the safety or operational needs of Grantee and the electric facilities would be impaired.
- ☐ Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes future damages, if any, caused by Grantee to the easement area or the Grantor's remaining property.

(9) The easement rights acquired under this instrument are: (check one)

- ☐ exclusive.
- ☐ nonexclusive.
- ☐ otherwise limited under the terms of the instrument as follows: _____.

(10) Grantee may not assign Grantee's interest in the property rights acquired under this instrument to an assignee that will not operate as a utility subject to the jurisdiction of the Public Utility Commission of Texas or the Federal Energy Regulatory Commission without written notice to Grantor at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property.

(11) Grantee may not make use of the property rights acquired by this instrument, other than as provided by this instrument, without the express written consent of Grantor.

(12) The terms of this instrument bind the heirs, successors, and assigns of Grantor and Grantee.

THE STATE OF TEXAS LANDOWNER'S BILL OF RIGHTS

ADDENDUM C:

Optional Terms for an Instrument Conveying a Pipeline Right-of-Way Easement, an Easement Related to Pipeline Appurtenances, or an Electric Transmission Line Right-of-Way Easement⁷

(1) With regard to the specific vegetation described as follows: _____, Grantor⁸: (check one):

- ☐ may recover from Grantee⁹ payment for monetary damages, if any, caused by Grantee to the vegetation.
- ☐ Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to the vegetation.

(2) With regard to income loss from disruption of existing agricultural production or existing leases based on verifiable loss or lease payments caused by Grantee's use of the easement acquired under this instrument, Grantor: (check one)

- ☐ may recover from Grantee payment for monetary damages, if any, caused by Grantee to Grantor's income.
- ☐ Grantor acknowledges that the consideration paid for the easement acquired under this instrument includes monetary damages, if any, caused by Grantee to Grantor's income.

(3) Grantee shall maintain commercial liability insurance or self-insurance at all times, including during Grantee's construction and operations on the easement, while Grantee uses the easement acquired under this instrument. The insurance must insure Grantor against liability for personal injuries and property damage sustained by any person to the extent caused by the negligence of Grantee or Grantee's agents or contractors and to the extent allowed by law. If Grantee maintains commercial liability insurance, it must be issued by an insurer authorized to issue liability insurance in the State of Texas.

(4) If Grantee is subject to the electric transmission cost-of-service rate jurisdiction of the Public Utility Commission of Texas or has a net worth of at least \$25 million, Grantee shall maintain commercial liability insurance or self-insurance at levels approved by the Public Utility Commission of Texas in the entity's most recent transmission cost-of-service base rate proceeding.

⁷ Pursuant to Section 21.0114(d) of the Texas Property Code, in addition to the terms set forth in Addenda A and B, a property owner may negotiate for the inclusion of the terms in this Addendum in any instrument conveying an easement to a private entity, as defined by Section 21.0114(a) of the Texas Property Code. The easement terms listed in this addendum may be amended, altered, or omitted by the agreement of the condemning authority and the landowner, pursuant to Sections 21.0114(d), (e), and (f) of the Texas Property Code.

⁸ "Grantor" is the property owner from whom the Grantee is acquiring the pipeline or electric transmission line right-of-way easement.

⁹ "Grantee" is the private entity, as defined by Section 21.0114(a) of the Texas Property Code, that is acquiring the easement.