

TAC TITLE 43 **Rule §21.39**

Ownership, Function, Abandonment, and Idling of Facilities

about abandonment.

- [https://texas-sos.appianportalsgov.com/rules-and-meetings?\\$locale=en_US&interface=VIEW_TAC_SUMMARY&queryAsDate=08%2F26%2F2025&recordId=169412](https://texas-sos.appianportalsgov.com/rules-and-meetings?$locale=en_US&interface=VIEW_TAC_SUMMARY&queryAsDate=08%2F26%2F2025&recordId=169412)
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- ***“(d) Abandonment or idling of facility.***
- ***(1) Notice. If a utility abandons or idles a utility facility, it must, within a reasonable period of time, notify the department of that status in writing and in the case of abandonment, indicate whether the utility facility will be removed or abandoned in place.***
- ***(2) Abandonment in place.***
- ***(A) A utility that wishes to abandon a utility facility in place must submit a written request to the district engineer for each type of facility. The request must include the following detailed information for each facility proposed for abandonment:***
 - ***(i) offsets from property lines and the centerline of the highway;***
 - ***(ii) coordinates based on the global positioning system (GPS) or a survey datum as directed by the department;***
 - ***(iii) the age, condition, material type, current status, quantity, and size of the utility facility;***
 - ***(iv) a legend explaining symbols, characters, abbreviations, scale, and other data shown on any as-built drawing or record mapping;***
 - ***(v) a statement certifying that the utility facility does not contain, or is not composed of, hazardous or contaminated materials; and***
 - ***(vi) any additional information requested by the department.***
- ***(B) If the district engineer approves the abandonment in place, the utility facility owner shall continue to map, locate, and mark its abandoned utility facilities as required by this subchapter, federal regulations, or standards adopted by industry organizations, whichever is more restrictive.***
- ***(C) Abandonment shall not be construed as a change in ownership of the utility facility.***
- ***(3) Abandonment costs and restoration of public right of way. The utility shall be responsible for all costs associated with the maintenance or removal of its abandoned or idled utility facilities within the right of way, unless removal of the line is caused by an active highway project and adjustment is the financial responsibility of the department.***
- ***(4) Voids. Significant voids beneath the right of way are prohibited. The department, at the discretion of the district engineer, may require that a utility facility be filled with cement slurry or backfilled in accordance with department standards.”***