

111TH CONGRESS
2^D SESSION

S. 3917

To direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “South Utah Valley
5 Electric Conveyance Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) DISTRIBUTION FIXTURE LAND.—The term
2 “distribution fixture land” means the Federal land
3 or interests in Federal land—

4 (A) on which fixtures are located on the
5 date of enactment of this Act; and

6 (B) that are unencumbered by other
7 Strawberry Valley Project features, to a max-
8 imum corridor width of 30 feet on each side of
9 the centerline of the power lines of the fixtures
10 as in existence on the date of enactment of this
11 Act.

12 (2) DISTRICT.—The term “District” means the
13 South Utah Valley Electric Service District, which is
14 organized under the laws of the State of Utah.

15 (3) ELECTRIC DISTRIBUTION SYSTEM.—The
16 term “Electric Distribution System” means fixtures,
17 irrigation or power facilities land, distribution fix-
18 ture land, and shared power poles.

19 (4) FIXTURE.—The term “fixture” means any
20 power pole, cross-member, wire, insulator, or associ-
21 ated fixture (including any substation) that—

22 (A) comprises the portions of the Straw-
23 berry Valley Project power distribution system
24 that—

1 (i) are rated at a voltage of 12.5 kilo-
2 volts; and

3 (ii) were constructed with Strawberry
4 Valley Project revenues; and

5 (B) any fixture described in subparagraph
6 (A) that is located on Federal land or an inter-
7 est in Federal land.

8 (5) IRRIGATION OR POWER FACILITIES LAND.—
9 The term “irrigation or power facilities land” means
10 any Federal land or interest in Federal land—

11 (A) on which fixtures are located on the
12 date of enactment of this Act; and

13 (B) that is encumbered by other Straw-
14 berry Valley Project irrigation or power fea-
15 tures, including land underlying the Strawberry
16 Substation.

17 (6) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (7) SHARED POWER POLE.—The term “shared
20 power pole” means 1 or more poles that comprise
21 the portions of the Strawberry Valley Project Power
22 Transmission System that—

23 (A) are rated at a voltage of 46.0-kilovolts;

24 (B) are owned by the United States; and

25 (C) support fixtures.

1 **SEC. 3. CONVEYANCE OF ELECTRIC DISTRIBUTION SYS-**
2 **TEM.**

3 (a) IN GENERAL.—If the Strawberry Water Users
4 Association conveys to the District the interest of the
5 Strawberry Water Users Association, if any, to the Elec-
6 tric Distribution System by the contract dated April 7,
7 1986, and the District agrees to assume from the United
8 States all liability for administration, operation, mainte-
9 nance, and replacement of the Electric Distribution Sys-
10 tem, the Secretary shall, in accordance with this Act con-
11 vey and assign to the District for no additional consider-
12 ation—

13 (1) all right, title, and interest of the United
14 States in and to—

15 (A) all fixtures owned by the United States
16 as part of the Electric Distribution System; and

17 (B) the distribution fixture land;

18 (2) a license for use of the shared power poles
19 to continue to own, operate, maintain, and replace
20 Electric Distribution Fixtures attached to the shared
21 power poles; and

22 (3) a license for use and access for purposes of
23 operation, maintenance, and replacement across,
24 over, and along—

25 (A) all project land and interests in irriga-
26 tion and power facilities land on which the

1 Electric Distribution System is located on the
2 date of enactment of this Act that is necessary
3 for other Strawberry Valley Project facilities,
4 including land underlying the Strawberry Sub-
5 station, if the ownership of the underlying land
6 or interest in land be retained by the United
7 States; and

8 (B) any corridors in which Federal land
9 and interests in land that—

10 (i) are abutting public streets and
11 roads; and

12 (ii) would provide access that would
13 facilitate operation, maintenance, and re-
14 placement of facilities.

15 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

16 (1) IN GENERAL.—Before conveying the land,
17 interests in land, and fixtures under subsection
18 (a)(1), the Secretary shall comply with all applicable
19 requirements under—

20 (A) the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.);

22 (B) the Endangered Species Act of 1973
23 (16 U.S.C. 1531 et seq.); and

24 (C) any other law applicable to the con-
25 veyed land and facilities.

1 (2) EFFECT.—Nothing in this Act modifies or
2 alters any obligations under—

3 (A) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.); or

5 (B) the Endangered Species Act of 1973
6 (16 U.S.C. 1531 et seq.).

7 **SEC. 4. EFFECT OF CONVEYANCE.**

8 On conveyance of any land or facility under section
9 3(a)(1)—

10 (1) the conveyed and assigned land and facili-
11 ties shall no longer be part of a Federal reclamation
12 project;

13 (2) the District shall not be entitled to receive
14 any future Bureau or Reclamation benefits with re-
15 spect to the conveyed and assigned land and facili-
16 ties, except for benefits that would be available to
17 other non-Bureau of Reclamation facilities; and

18 (3) the United States shall not be liable for
19 damages arising out of any act, omission, or occur-
20 rence relating to the land and facilities, but shall
21 continue to be liable for damages caused by acts of
22 negligence committed by the United States or by any
23 employee or agent of the United States before the
24 date of conveyance, consistent with chapter 171 of
25 title 28, United States Code.

1 **SEC. 5. REPORT.**

2 If a conveyance required under section 3(a) is not
3 completed by the date that is 2 years after the date of
4 enactment of this Act, the Secretary shall submit to Con-
5 gress a report that—

6 (1) describes the status of the conveyance;

7 (2) describes any obstacles to completing the
8 conveyance; and

9 (3) specifies an anticipated date for completion
10 of the conveyance.

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