

112TH CONGRESS
1ST SESSION

H. R. 461

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 HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. CHAFFETZ (for himself and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on 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) DISTRICT.—The term “District” means the
2 South Utah Valley Electric Service District, orga-
3 nized under the laws of the State of Utah.

4 (2) ELECTRIC DISTRIBUTION SYSTEM.—The
5 term “Electric Distribution System” means fixtures,
6 irrigation, or power facilities lands, distribution fix-
7 ture lands, and shared power poles.

8 (3) FIXTURES.—The term “fixtures” means all
9 power poles, cross-members, wires, insulators and
10 associated fixtures, including substations, that—

11 (A) comprise those portions of the Straw-
12 berry Valley Project power distribution system
13 that are rated at a voltage of 12.5 kilovolts and
14 were constructed with Strawberry Valley
15 Project revenues; and

16 (B) any such fixtures that are located on
17 Federal lands and interests in lands.

18 (4) IRRIGATION OR POWER FACILITIES
19 LANDS.—The term “irrigation or power facilities
20 lands” means all Federal lands and interests in
21 lands where the fixtures are located on the date of
22 the enactment of this Act and which are encumbered
23 by other Strawberry Valley Project irrigation or
24 power features, including lands underlying the
25 Strawberry Substation.

1 (5) DISTRIBUTION FIXTURE LANDS.—The term
2 “distribution fixture lands” means all Federal lands
3 and interests in lands where the fixtures are located
4 on the date of the enactment of this Act and which
5 are unencumbered by other Strawberry Valley
6 Project features, to a maximum corridor width of 30
7 feet on each side of the centerline of the fixtures’
8 power lines as those lines exist on the date of the
9 enactment of this Act.

10 (6) SHARED POWER POLES.—The term “shared
11 power poles” means poles that comprise those por-
12 tions of the Strawberry Valley Project Power Trans-
13 mission System, that are rated at a voltage of 46.0
14 kilovolts, are owned by the United States, and sup-
15 port fixtures of the Electric Distribution System.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 3. CONVEYANCE OF ELECTRIC DISTRIBUTION SYS-**
19 **TEM.**

20 (a) IN GENERAL.—Inasmuch as the Strawberry
21 Water Users Association conveyed its interest, if any, in
22 the Electric Distribution System to the District by a con-
23 tract dated April 7, 1986, and in consideration of the Dis-
24 trict assuming from the United States all liability for ad-
25 ministration, operation, maintenance, and replacement of

1 the Electric Distribution System, the Secretary shall, pur-
2 suant to the provisions of this Act convey and assign to
3 the District without charge or further consideration—

4 (1) all of the United States right, title, and in-
5 terest in and to—

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

8 (B) the distribution fixture land;

9 (2) license for use in perpetuity of the shared
10 power poles to continue to own, operate, maintain,
11 and replace Electric Distribution Fixtures attached
12 to the shared power poles; and

13 (3) licenses for use and for access in perpetuity
14 for purposes of operation, maintenance, and replace-
15 ment across, over, and along—

16 (A) all project lands and interests in irri-
17 gation and power facilities lands where the
18 Electric Distribution System is located on the
19 date of the enactment of this Act that are nec-
20 essary for other Strawberry Valley Project fa-
21 cilities (the ownership of such underlying lands
22 or interests in lands shall remain with the
23 United States), including lands underlying the
24 Strawberry Substation; and

1 (B) such corridors where Federal lands
2 and interests in lands—

3 (i) are abutting public streets and
4 roads; and

5 (ii) can provide access that will facili-
6 tate operation, maintenance, and replace-
7 ment of facilities.

8 (b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

9 (1) IN GENERAL.—Before conveying lands, in-
10 terest in lands, and fixtures under subsection (a),
11 the Secretary shall comply with all applicable re-
12 quirements under—

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

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

17 (C) any other law applicable to the land
18 and facilities.

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

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

23 (B) the Endangered Species Act of 1973
24 (16 U.S.C. 1531 et seq.).

1 (c) POWER GENERATION AND 46KV TRANSMISSION
2 FACILITIES EXCLUDED.—Except for the uses as granted
3 by license in Shared Power Poles under section 3(a)(2),
4 nothing in this Act shall be construed to grant or convey
5 to the District or any other party, any interest in any fa-
6 cilities shared or otherwise that comprise a portion of the
7 Strawberry Valley Project power generation system or the
8 federally owned portions of the 46 kilovolt transmission
9 system which ownership shall remain in the United States.

10 **SEC. 4. EFFECT OF CONVEYANCE.**

11 On conveyance of any land or facility under section
12 3(a)(1)—

13 (1) the conveyed and assigned land and facili-
14 ties shall no longer be part of a Federal reclamation
15 project;

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

21 (3) the United States shall not be liable for
22 damages arising out of any act, omission, or occur-
23 rence relating to the land and facilities, but shall
24 continue to be liable for damages caused by acts of
25 negligence committed by the United States or by any

1 employee or agent of the United States before the
2 date of conveyance, consistent with chapter 171 of
3 title 28, United States Code.

4 **SEC. 5. REPORT.**

5 If a conveyance required under section 3 is not com-
6 pleted by the date that is 24 months after the date of
7 the enactment of this Act, the Secretary shall submit to
8 Congress a report that—

- 9 (1) describes the status of the conveyance;
- 10 (2) describes any obstacles to completing the
11 conveyance; and
- 12 (3) specifies an anticipated date for completion
13 of the conveyance.

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