

# State Participation 2125 (SP2125) Program

Right of Way Division

## SP2125 Program

The State Participation 2125 (SP2125) Program was created due to the new Texas Administrative Code Title 43, Part 1, Chapter 21, Subchapter B, Rule §21.25, "State Participation in the Relocation of Certain Publicly-Owned Utility Facilities" which prescribes the procedures to be taken by the utility to apply for state participation in the relocation of utility facilities and by the department and commission in determining whether all or part of the expense of the relocation of the facility will be reimbursed by the state. This program assists political subdivisions by alleviating financial hardships caused by required utility relocations on TxDOT's transportation projects.

Senate Bill 2601 amended this to expand the entities classified as utility facilities, for which the state may reimburse costs related to the relocation of these entities' utilities required due to a state highway project, to include specified water supply or sewer service corporations if certain conditions are met.

### FREQUENTLY ASKED QUESTIONS:

#### What are the qualifications to take advantage of the program?

- Payment for all or a part of the relocation of the utility facility would not cause the department to exceed \$10 million for the relocation of utilities authorized under Section 203.092(a-4) in any fiscal year **AND**
- Utility is a Political Subdivision or owned by a Political Subdivision or is a water supply, or sewer service corporation organized and operating under Chapter 67, Water Code **AND**
- A financial condition would prevent the utility from being able to pay the cost in full or in part or if paid at that time, the payment would adversely affect the utility's ability to operate or provide essential services to its customers **AND**
- The utility would not be able to receive a state infrastructure bank loan to finance the cost of the relocation and is otherwise unable to finance that cost. **OR**
- The utility is owned or operated by a political subdivision, that has a population of less than 5,000 and that is located in a county that has been included in at least five presidential disaster declarations in the six-year period preceding the proposed date of the relocation.

#### Can the Political Subdivision receive the money before installation or adjustment?

- No, this is a reimbursement program.

#### Are you required to apply for a SIB Loan to qualify for this program?

- No, the financial information required for the SP2125 program is the same financial information required for a SIB loan.

#### Can the adjustment be eligible to be included in the highway contract?

- Yes, we encourage that the adjustment be performed joint bid to minimize upfront costs by the political subdivision.

#### Are elective betterment costs eligible for reimbursement?

- No, elective betterments costs are not eligible for reimbursement.

### APPLICATION FORM:

ROW-U-SP2125 can be found in the Utility Accommodations Toolkit under "Forms and Publications" → "Utility Forms"

### RESOURCES:

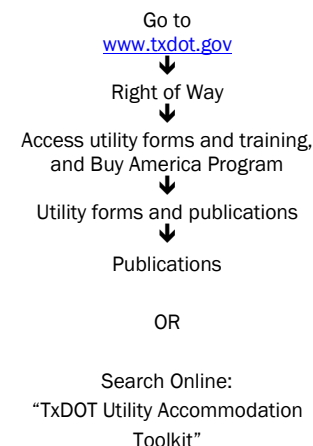
TAC Rule §21.25

Senate Bill 1512

Texas Transportation Code Section 203.092

### UTILITY ACCOMMODATIONS TOOLKIT:

<https://www.txdot.gov/inside-txdot/division/right-of-way/utility-accommodations.html>



## Additional Information:

The SP2125 Program application should be submitted to your local TxDOT district office. The contact information for your local TxDOT district office can be found online at:

[www.txdot.gov](http://www.txdot.gov) → **About** → **TxDOT Districts**

Then select your district for specific contact information.