

HOUSE BILL REPORT

HB 2694

As Reported by House Committee On:
Local Government

Title: An act relating to underground utilities and safety committee.

Brief Description: Concerning underground utilities and safety committee.

Sponsors: Representatives Pollet, Duerr, Appleton, Goehner and Senn.

Brief History:

Committee Activity:

Local Government: 1/28/20, 1/31/20 [DP].

Brief Summary of Bill

- Provides that facility operators are not required to indicate the depth of underground facilities when marking underground facilities.
- Requires excavators who damage an underground facility resulting in an emergency to call 911 to alert the appropriate local public safety agencies.
- Removes a representative of the insurance industry from the safety committee and adds a representative of a water-sewer district.
- Changes the composition of the review committee to be a balanced group including at least one excavator and one facility operator.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 5 members: Representatives Pollet, Chair; Duerr, Vice Chair; Appleton, Goehner and Senn.

Minority Report: Without recommendation. Signed by 1 member: Representative Kraft, Ranking Minority Member.

Staff: Elizabeth Allison (786-7129).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Excavators' and Facility Operators' Duties.

Excavators and facility operators each have duties that must be performed before an excavation can begin. An excavator must mark with white paint or otherwise identify the boundary of the area to be excavated. If marking the boundary is infeasible, the excavator must work with the facilities operators to ensure the boundary of the excavation area is accurately identified. The excavator must also provide notice of the scheduled commencement of excavation to all facility operators through a one-number locator service.

After notice is given, the facility operator must provide the excavator with reasonably accurate information of locatable underground facilities by marking their location and provide the excavator with available information on the location of unlocatable underground facilities. Marking can be done with stakes, paint, or other identifiable material, and locate marks must include identification letters indicating the specific type of the underground facility.

Once the underground facilities are marked by the facilities operator, the excavator is responsible for maintaining the accuracy of the markings of the facilities for a specified period of time.

A facilities operator is any person who owns an underground facility or is in the business of supplying any utility service or commodity for compensation.

Reporting Damage.

An excavator who contacts or damages an underground facility in the course of excavation is required to notify the facility operator and a one-number locator service, and report the damage to the Utilities and Transportation Commission (UTC). If the damage causes an emergency condition, the excavator must also alert the appropriate local public safety agencies and take all appropriate steps to ensure public safety.

Safety Committee.

The UTC is required to contract with a statewide nonprofit entity whose purpose is to reduce damages to underground and above-ground facilities, promote safe excavation practices, and review complaints of alleged violations. The contracting entity must create a safety committee to advise the UTC and other state agencies, the Legislature, and local governments on best practices and training to prevent damage to underground utilities, and policies to enhance worker and public safety. The committee must also review complaints alleging violations of rules related to underground facilities.

The committee consists of 13 members who are representatives of:

- local governments;
- a natural gas utility;
- contractors;
- excavators;
- an electric utility;
- a consumer-owned utility;
- a pipeline company;
- the insurance industry;
- the UTC; and

- a telecommunications company.

To review complaints of alleged violations, the safety committee must appoint a review committee with at least three but no more than five members. The review committee must include the same number of members representing excavators and facility operators. One member representing a facility operator must also be a representative of a pipeline company or a natural gas utility. The review committee must also include a member representing the insurance industry.

Summary of Bill:

Facility Operators' Duties.

Facility operators are not required to indicate the depth of the underground facility when marking the location of underground facilities.

Reporting Damage.

When an excavator damages an underground facility and the damage causes an emergency condition, the excavator must call 911 to alert the appropriate local public safety agencies.

Safety Committee.

The safety committee is not required to include a representative from the insurance industry, but must include a representative from a water-sewer district.

The review committee must be a balanced group including at least one excavator and one facility operator.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Safety is the number one priority with this bill. Adding the "911" language aligns the law with federal provisions, and calling 911 for an emergency makes sense. The existing safety committee gives members of the community the opportunity to have violation claims heard without a long process. Changing the law to remove the requirement that a representative from the insurance industry be part of the committee helps the process because it allows a violation claim to be heard without having to wait on an insurance representative. Having a pipeline employee on the committee is not necessary for the committee to get the facts on the table. Specifying that depth is not required when marking the location of underground facilities eases some pressure. Depth has never been a requirement, but there

has been an assumption that as technology becomes more sophisticated, depth should be located. This is not practical as utilities can move and may not remain at the same depth at which they were originally installed.

(Opposed) None.

Persons Testifying: Representative Pollet, prime sponsor; Laura Wilkeson, Puget Sound Energy; Don Evans, Washington 811; Rory Paine-Donovan, Seattle Public Utilities; and Jason Lewis, Utilities and Transportation Commission.

Persons Signed In To Testify But Not Testifying: None.