
Local Government Committee

HB 2409

Brief Description: Addressing underground facilities and safe excavation practices.

Sponsors: Representatives Corry and Barkis.

Brief Summary of Bill

- Permits excavators to use white lining or pin flags to mark the boundaries of excavation areas.
- Requires agreements for notice to excavate outside of the 2 to 10 day requirement to be in writing.
- Changes duties for excavators and facility operators.
- Provides that the safety committee does not have authority to review disputes between facility operators and excavators.

Hearing Date: 1/30/24

Staff: Elizabeth Allison (786-7129).

Background:

Dig Law.

Washington's Dig Law requires an excavator to call 811 for underground facilities to be located and marked before excavation begins. Unless otherwise agreed, the excavator must give 2 to 10 days' notice before excavating and must mark the excavation area with white paint. If boundary marking is infeasible, an excavator must communicate directly with affected facility operators to ensure that the boundary of the excavation area is accurately identified. Excavators must use reasonable care to avoid damaging underground facilities.

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

A facility operator must respond to a request to locate within two business days. The facility operator must mark locatable facilities and must also provide information about the presence of unlocatable facilities.

Safety Committee.

The Washington Dig Law Safety Committee (Committee) is made up of 13 members representing a variety of stakeholders from the digging and utility committee. The Committee must appoint a review committee of three to five members to review complaints alleging violations of rules related to underground facilities.

Summary of Bill:

In addition to using white paint, excavators may mark the boundary of an excavation area with white lining or pin flags when necessary. The requirement that an excavator communicate directly with affected facility operators if boundary marking is infeasible is removed.

Notice to excavate must be 2 to 10 full business days. An agreement for notice between the facility operator and excavator outside 2 to 10 full business days must be in writing.

A facility operator must respond to a request to locate no later than the date the excavation work is to begin.

The facility operator must mark locatable underground facilities within the boundary of the white lined area. Facility operators that do not have underground facilities within the boundary must provide a positive response to inform excavators that the area is clear. A positive response is a notification from the facility operator that the facility operator has completed marking or providing information in response to a notice.

An excavator must use reasonable care to avoid damaging underground facilities while removing hard surfaces. A hard surface is an area covered with asphalt, concrete, interlocking brick or block, solid stone, or any similar impervious or nonporous material on the surface of the ground.

The Committee does not have authority to review downtime or other claim disputes between facility operators and excavators.

Appropriation: None.

Fiscal Note: Requested on January 25, 2024.

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