

# SENATE BILL REPORT

## ESHB 1539

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As of March 15, 2005

**Title:** An act relating to failure to notify the one-number locator service when excavating near a transmission pipeline.

**Brief Description:** Making it a crime to excavate without notification near a transmission pipeline.

**Sponsors:** Representatives Linville, Roach, Morris, DeBolt, Ericksen, Williams and Upthegrove.

**Brief History:**

**Committee Activity:** Water, Energy & Environment:

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Staff:** Richard Rodger (786-7461)

**Background:** Under current law, a single statewide telephone number exists for referring excavators to the appropriate one-number locator service. A one-number locator service is operated by non-governmental entities and is a means by which a person can notify utilities of excavation and request field marking of underground facilities. In general, a one-number locator service receives requests for the location of buried utility facilities and relays those requests to member utilities and governmental agencies. The Washington Utilities and Transportation Commission, in consultation with the Washington Utilities Coordinating Council, establishes minimum standards and best management practices for one-number services.

Before conducting any excavation, excluding agricultural tilling less than 12 inches in depth, a person must notify pipeline companies of the scheduled excavation through the one-number locator service. Notification must occur in a window of not less than two business days but not more than 10 business days before beginning the excavation. If a pipeline company is notified that excavation work will occur near a pipeline, a representative of the company must consult with the excavator on-site prior to excavation.

A civil penalty of not more than \$10,000 applies when a person fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline.

**Summary of Bill:** Any person who fails to notify the one-number locator service before excavating within 50 feet of a transmission pipeline is guilty of a gross misdemeanor. In addition to the criminal offense, the person is also subject to the \$10,000 civil penalty if they cause damage to a hazardous liquid or gas pipeline.

A transmission pipeline is defined as a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage

facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of 20 percent or more of the specified minimum yield strength.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.