

SENATE BILL REPORT

SB 6357

As of January 19, 1998

Title: An act relating to excavation damage prevention and public safety.

Brief Description: Preventing damage to underground facilities caused by excavation.

Sponsors: Senators Finkbeiner, Brown and Jacobsen; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Energy & Utilities: 1/19/98.

SENATE COMMITTEE ON ENERGY & UTILITIES

Staff: Andrea McNamara (786-7483)

Background: Penalties for violating the state underground utilities law were set by the Legislature in 1984 at not more than \$1,000 per violation. Penalties may be imposed for violations that result in damage to underground facilities.

The Washington Utilities and Transportation Commission (WUTC) is certified to administer the federal pipeline safety program, which includes authority to enforce pipeline safety standards through injunctions and civil penalties. The federal law relating to pipeline safety allows civil penalties of up to \$25,000 per violation, for each day that a violation persists, up to a maximum of \$500,000.

The WUTC identifies excavation damage as the primary cause of pipeline leaks and is requesting this legislation to provide increased incentive for compliance with the state law and to increase consistency with the federal law.

Current state law requires excavators to use reasonable care to avoid damaging underground utilities. The term reasonable care— is not defined, although excavators are required to: (1) determine the precise location of marked underground facilities; (2) plan the excavation to avoid damage; and (3) provide support for underground facilities in and near the construction area.

Summary of Bill: Civil penalties for violating the underground utilities law are increased to not more than \$25,000 per violation. Each day of an on-going violation may be penalized separately up to a maximum of \$500,000.

The Washington Utilities and Transportation Commission (WUTC) is authorized to compromise penalties based on the seriousness of the violation. The WUTC is directed to give consideration to reducing or waiving penalties for first-time offenses when little or no damage has occurred and the violation is promptly corrected.

A definition of "reasonable care" is added which requires that whenever excavation is done within 24 inches from an underground facility, the precise location of the facility must be determined by hand digging, vacuum, or other nondestructive means.

The definition of "one-number locator service" is expanded to include notification of underground facility owners in addition to utilities.

Appropriation: None.

Fiscal Note: Available.

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