
Local Government Committee

HB 1006

Brief Description: Adopting new requirements for locating underground facilities, including positive response, minimum marking standards, adopting a new process for coordinating large projects, and requiring new and replacement facilities to be locatable.

Sponsors: Representative Appleton.

Brief Summary of Bill

- Changes certain marking and notification requirements of the Underground Utility Damage Prevention Act (Damage Prevention Act).
- Clarifies that a civil penalty applies to any excavator who fails to notify a one-number locator service and causes damage to an underground facility other than a hazardous liquid or gas underground facility.
- Requires, as of January 1, 2021, all newly constructed and replacement underground facilities to be installed so that they are locatable by a common, accessible, and proven method at the time they enter service.
- Removes certain requirements for the composition of the Dig Law Safety Committee established under the Damage Prevention Act.

Hearing Date: 2/5/19

Staff: Yvonne Walker (786-7841).

Background:

The Underground Utility Damage Prevention Act.

The Underground Utility Damage Prevention Act (Damage Prevention Act), also referred to as the "Call Before You Dig Law," governs safe excavation practices near underground utility facilities, including natural gas and hazardous liquid pipelines. All underground facility operators must subscribe to the state's one-number locator service, through which an excavator may notify utilities of excavation activities and request field-marking of underground facilities.

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.

Any excavator who fails to notify a one-number locator service and causes damage to a hazardous liquid or gas underground facility is subject to a civil penalty of no more than \$10,000 for each violation. This civil penalty may also be imposed on any excavator who excavates without a valid excavation confirmation code within 35 feet of a transmission pipeline. An excavation confirmation code is a code or ticket issued by a one-number locator service for the site where an excavation is planned. The code must be accompanied by the date and time it was issued.

Any person who violates any other provision of the Damage Prevention Act is subject to a civil penalty of no more than \$1,000 for an initial violation, and no more than \$5,000 for each subsequent violation within a three-year period.

"Excavator" means any person who engages directly in excavation.

"Facility operator" means any person who owns an underground facility or is in the business of supplying any utility service or commodity for compensation. "Facility operator" does not include a utility customer who owns a service lateral that terminates at a facility operator's main utility line.

The Utilities and Transportation Commission.

The Utilities and Transportation Commission (UTC) regulates the rates, services, and practices of privately-owned utilities and transportation companies in Washington, including natural gas and electrical companies. The UTC is also responsible for developing and enforcing safety standards for natural gas and hazardous liquid pipelines located within the state. The UTC enforces the requirements of the Damage Prevention Act.

The Dig Law Safety Committee.

The Dig Law Safety Committee (Committee) is made up of 13 members representing a variety of stakeholders throughout the digging and utility industry. The committee must include the same number of members representing excavators and facility operators. The Committee hears complaints under the Damage Prevention Act and makes recommendations to the UTC for enforcement action.

Summary of Bill:

An excavator that intends to work at multiple sites or at a large project must include on an underground facility location notice the date, time, and place for a meeting with facility operators to locate underground facilities reasonably in advance of the state of excavation for each phase of work. In the event that a facility operator does not attend the required meeting, it is the facility operator's responsibility to contact the excavator.

A facility operator must mark locatable underground facilities with the name or initials of the facility operator and, when known, the best available description including width, if greater than two inches, and the quantity. An excavator must use noninvasive methods to determine the precise location of underground facilities which have been marked.

Beginning January 1, 2022, a facility operator must provide positive response status through the one-number locator service to an excavator no later than two business days after receipt of an excavation notice or before the excavation commences. If the positive response status is not complete within two business days, a final status update is required upon completion.

If an excavator discovers underground facilities that are not identified and marked by the facility operator, the excavator must cease excavating in the vicinity of the underground facilities and immediately notify both the facility operator and the one-number locator service. Upon notification by a one-number locator service or excavator of the discovery of underground facilities that were not previously identified, a facility operator must map or record and mark the location of the uncovered portion of the underground facility identified by the excavator, or accept verifiable location information from the excavator for future one-number locate requests.

If an excavator discovers and damages an identified but unlocatable facility, the excavator must notify the facility operator and the one-number locator service and report the damage. No damaged pipeline or other underground facility may be buried until it is inspected by the facility operator, repaired, or relocated.

Any excavator who fails to notify a one-number locator service and causes damage to an underground facility other than a hazardous liquid or gas underground facility is subject to a civil penalty of no more than \$1,000 for an initial violation, and no more than \$5,000 for each subsequent violation within a three-year period.

Beginning January 1, 2021, all newly constructed and replacement underground facilities must be installed so that they are locatable by a common, accessible, and proven method at the time they enter service.

The required composition of the Dig Law Safety Committee (Committee) is changed such that it no longer must include the same number of members representing excavators and facility operators. The Committee is also no longer required to consist of one member representing a regulated pipeline company or natural gas utility and one member representing the insurance industry.

Appropriation: None.

Fiscal Note: Available.

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