

FINAL BILL REPORT

SB 6420

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Synopsis as Enacted

Brief Description: Concerning underground utilities and safety committee.

Sponsors: Senators Takko and Short.

Senate Committee on Local Government
House Committee on Local Government

Background: 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. UTC inspects the portions of interstate natural gas and hazardous liquid pipelines located within the state, while the federal Pipeline and Hazardous Materials Safety Administration is responsible for interstate pipeline safety standards and enforcement actions.

Underground Utilities and Damage Prevention Act. In 1984, the Legislature enacted the Underground Utilities and Damage Prevention Act, also known as the Call Before You Dig Law, to protect underground facilities—pipes, conduits, cables, wires, and sewers—from damage, and assign responsibilities for locating and record keeping of facilities, as part of a comprehensive damage prevention program.

The act requires anyone excavating to call the statewide, nonprofit 811 one-number locator service before digging begins to locate and mark all underground utilities. Marking is the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American Public Works Association.

Markings must include identification letters indicating the specific type of underground facility. An underground facility is any item buried or placed below ground for use in connection with the storage or conveyance of water; sewage; electronic, telephonic, or telegraphic communications; cablevision; electric energy; petroleum products; gas; gaseous vapors; hazardous liquids; or other substances including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

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.

An excavator who, in the course of excavation, contacts or damages an underground facility must notify the facility operator and the one-number locater service, and report the damage to UTC. If the damage causes an emergency condition, the excavator causing the damage must also alert the appropriate local public safety agencies and take all appropriate steps to ensure public safety. No damaged underground facility may be buried until it is repaired or relocated.

A facility operator must arrange for repairs or relocation as soon as is practical, or permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

Washington Dig Law Safety Committee. UTC is authorized to contract with a statewide, nonprofit entity to create a safety committee. The purpose of the committee is to:

- advise 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; and
- review complaints alleging violations involving practices related to underground facilities.

Following review of a complaint, the committee recommends any enforcement actions to UTC.

The committee consists of 13 members, who must be nominated by represented groups and appointed by the contracting entity to staggered three-year terms. The safety committee must include representatives of:

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

To review complaints of alleged violations, the committee must appoint at least three and not more than five members as a review committee. The review committee must include the same number of members representing excavators and facility operators. One member representing facility operators 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: The definition of marking is amended to specify that locate marks are not required to indicate the depth of the underground facility given the potential change of topography over time. An excavator required to alert appropriate local public safety agencies following damage to an underground facility that causes an emergency condition must also call 911. The safety committee is no longer required to include a representative of the insurance industry and instead, is required to include a representative of a water-sewer

district. The review committee is no longer required to include the same number of members representing excavators and facility operators; have one member representing facility operators also be a representative of a pipeline company or a natural gas utility; or include a member representing the insurance industry. The review committee is now required to be a balanced group, including at least one excavator and one facility operator.

Votes on Final Passage:

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| Senate | 46 | 0 | |
| House | 97 | 0 | (House amended) |
| Senate | 48 | 0 | (Senate concurred) |

Effective: June 11, 2020