

# SENATE BILL REPORT

## SB 6420

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As Amended by House, March 4, 2020

**Title:** An act relating to underground utilities and safety committee.

**Brief Description:** Concerning underground utilities and safety committee.

**Sponsors:** Senators Takko and Short.

**Brief History:**

**Committee Activity:** Local Government: 1/21/20, 1/23/20 [DP].

**Floor Activity:**

Passed Senate: 2/12/20, 46-0.

Passed House: 3/04/20, 97-0.

**Brief Summary of Bill**

- Amends the definition of "marking" under the Underground Utilities and Damage Prevention Act to specify that locate marks are not required to indicate the depth of the underground facility.
- Requires an excavator to call 911 when damage to an underground facility causes an emergency condition.
- Removes the requirement for the Washington Dig Law Safety Committee to include a representative of the insurance industry, and instead requires a representative of a water-sewer district.
- Removes requirements relating to members of the review committee, and instead, specifies that it be a balanced group, including at least one excavator and one facility operator.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

**Staff:** Greg Vogel (786-7413)

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*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.*

**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.

An excavator who, in the course of excavation, contacts or damages an underground facility must notify the facility operator and the one-number locator 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 the 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 of Bill:** The definition of marking is amended to specify that locate marks are not required to indicate the depth of the underground facility. 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.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill cleans up a few things and there is broad support for doing these changes. Depth was never required in the one call bill from its inception and the added language will remove all doubt. Depth is only required on the date of installation because of changes to depth that can occur due to erosion and work over time.

The law is working very well, and there was a meeting over the interim discussing these supported changes. This is an important issue for utilities, and the laws ensure crews and the community are safer when digging.

**Persons Testifying:** PRO: Senator Dean Takko, Prime Sponsor; Don Evans, Executive Administrator, Washington 811; Steve Lindstrom, Sno-King Water District Coalition; Laura Wilkeson, Puget Sound Energy; Steve Taylor, Cowlitz PUD; Sean Mayo, Washington Utilities and Transportation Commission; Jason Lewis, Washington Utilities and Transportation Commission.

**Persons Signed In To Testify But Not Testifying:** No one.

**EFFECT OF HOUSE AMENDMENT(S):**

- Specifies that locate marks are not required to indicate the depth of the underground facility given the potential change of topography over time.