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**SUBSTITUTE HOUSE BILL 1006**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Local Government (originally sponsored by Representative Appleton)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to adopting new requirements for locating  
2 underground facilities, including positive response, minimum marking  
3 standards, adopting a new process for coordinating large projects,  
4 and requiring new and replacement facilities to be locatable; adding  
5 a new section to chapter 19.122 RCW; and making an appropriation.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.122  
8 RCW to read as follows:

9 (1) The commission must, by June 1, 2019, coordinate and convene  
10 a utilities and excavator work group for the purpose of developing  
11 recommendations and possible legislation relating to establishing:

12 (a) New requirements for locating underground facilities, (b)  
13 notification and reciprocal communication standards for excavators  
14 and facility operators, including positive response, (c) minimum  
15 marking standards, (d) a process for coordinating large projects, and  
16 (e) requirements for the location markings of new and replacement  
17 facilities. The work group must be a collaboration between  
18 governmental entities, members of the excavation community, municipal  
19 utility districts, and private utility companies.

20 (2) The work group's membership must include, at a minimum,  
21 representatives from:

- 1 (a) Each of the three regional 811 boards;
  - 2 (b) The commission;
  - 3 (c) Consumer-owned utilities;
  - 4 (d) Investor-owned utilities;
  - 5 (e) Natural gas utilities;
  - 6 (f) Cities maintaining, owning, and operating underground
  - 7 facilities;
  - 8 (g) The association of Washington cities;
  - 9 (h) The Washington state association of counties;
  - 10 (i) Water-sewer districts;
  - 11 (j) Irrigation districts;
  - 12 (k) The construction and excavator community;
  - 13 (l) Pipeline companies;
  - 14 (m) Port districts;
  - 15 (n) Insurance companies;
  - 16 (o) Telecommunications companies;
  - 17 (p) The Washington state department of transportation;
  - 18 (q) The Washington state department of commerce;
  - 19 (r) Private utility companies; and
  - 20 (s) Other governmental entities with underground facilities.
- 21 (3) The work group must develop recommendations for amending this
- 22 chapter that includes but is not limited to:
- 23 (a) Determining how facility operators must schedule and confirm
  - 24 a meeting place and time when an excavator works at multiple sites or
  - 25 on large projects;
  - 26 (b) Determining new requirements for marking locatable
  - 27 underground facilities;
  - 28 (c) Defining "noninvasive methods" for purposes of determining
  - 29 locations of marked underground facilities;
  - 30 (d) Determining the procedures that must take place when an
  - 31 excavator discovers an underground facility that was not identified
  - 32 and marked by the facility operator;
  - 33 (e) Determining the procedures that must take place when an
  - 34 excavator damages an underground facility that was not identified and
  - 35 marked by the facility operator;
  - 36 (f) Determining the penalty for failing to notify a one-number
  - 37 locator service when damage is caused to an underground facility,
  - 38 other than a hazardous liquid or gas underground facility;
  - 39 (g) Determining utility identification procedures for newly
  - 40 constructed and replacement underground facilities;

1 (h) Determining the membership composition of the safety  
2 committee under RCW 19.122.130; and

3 (i) Determining who is financially liable for damage occurring  
4 from an excavation when either the excavator or the facility operator  
5 fails to comply with the statutory requirements relating to notice  
6 requirements or utility marking requirements.

7 (4) The work group is encouraged to solicit participation and  
8 feedback from nonmember groups and individuals with relevant  
9 experience, as needed.

10 (5) The work group must hold at least four meetings. By December  
11 1, 2019, the facilitator, pursuant to subsection (6) of this section,  
12 must report the work group's recommendations to the governor and the  
13 appropriate committees of the legislature.

14 (6) (a) The department of commerce, in consultation with the  
15 commission, must employ a facilitator to: (i) Conduct and moderate  
16 each of the meetings of the work group; (ii) provide objective third-  
17 party facilitation of negotiation between all parties involved; (iii)  
18 ensure all work group members are provided an opportunity to be heard  
19 and included in all final decisions of the work group; (iv) set  
20 deadlines and ensure participants respond in a timely manner; and (v)  
21 synthesize agreements and points under negotiation.

22 (b) The facilitator must develop a plan in consultation with  
23 stakeholders and local and state agencies that enables views to be  
24 represented in a process which the facilitator believes is likely to  
25 result in agreements. The facilitator shall issue a report, pursuant  
26 to subsection (5) of this section, reflecting agreements amongst a  
27 substantial portion of the work group members, and summarizing areas  
28 without agreement.

29 NEW SECTION. **Sec. 2.** The sum of fifty thousand dollars, or as  
30 much thereof as may be necessary, is appropriated for the fiscal year  
31 ending June 30, 2020, from the general fund to the department of  
32 commerce for the sole purpose of employing a facilitator and  
33 producing a final report pursuant to section 1 of this act.

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