

- SUBJECT:** Deadline for electronic notification of underground lines
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 7 ayes — B. Turner, Berman, Driver, Gutierrez, Hupp, Isett, Villarreal  
0 nays  
2 absent — Keel, P. King
- WITNESSES:** For — Joe Berry, Reliant Energy; Steve Landon, Southwestern Bell; Rell Rice, Southwestern Bell  
Against — None  
On — Wayne Halbert, Texas Irrigation Council, Harlingen Irrigation District; Howard Pebley, AGC of Texas, One-Call Board; Donald M. Ward, One-Call Board of Texas
- BACKGROUND:** The Texas Underground Facility Notification Corporation, known interchangeably as the One-Call Board of Texas, was created by the 75th Legislature in 1997 for the purpose of establishing a “one-call” excavation safety and underground facility damage prevention system. This system operates a network of notification centers that allow an excavator to make one call before excavating, whereby all utility companies (except water and sewer) with underground facilities in the area will receive notice of the excavator’s intent to dig. The operator of the underground facility then has at least 48 hours to physically locate and mark its underground lines to avoid injury or line damage. The excavator generally must contact a notification center within two to 14 working days, excluding weekends and holidays, before digging.
- DIGEST:** CSHB 1669 would amend Utilities Code, ch. 251 to require an operator contacted by the notification center to notify the excavator within 36 hours of the initial notice of intent to excavate of the operator’s plans to mark or not mark the proposed excavation site. The operator would be required to notify the excavator by e-mail, fax, or other electronic method.

CSHB 1669 also would add to the items required in an excavator's notice of intention to excavate, a fax number, e-mail address, or other electronic address to which the operator could send notification to the excavator.

CSHB 1669 would take effect November 1, 2001.

SUPPORTERS  
SAY:

CSHB 1669 is necessary because it would provide a means of communication between the operator and the excavator. Currently an excavator could arrive at the site and, if it is not marked, would not know whether the operator had arrived at the site or if there were nothing to mark. This bill would increase the efficiency of the initial work for the excavation.

This bill would implement recommendations that were laid out by an interim committee report of the Public Safety Committee. Included was a recommendation to require facility operators to provide "positive response" to excavators regarding lines on the proposed site.

OPPONENTS  
SAY:

The 36-hour time limit to contact the excavator would be too burdensome. In areas with a high volume of excavator calls to the One-Call Center, it could be onerous for an operator to balance the workload and make all necessary calls within 36 hours. An easier solution would be to require operators to make calls and mark sites within 48 hours.

NOTES:

The author plans to offer floor amendments:

- ! to change the response time by an operator from 36 hours to 48 hours;
- ! to require notification to the excavator only when the operator plans not to mark the proposed site; and
- ! to add another *verifiable* electronic method of notification for operators.

The substitute made several changes to the original, including:

- ! changing the time required to notify to 36 hours;
- ! requiring the operator to notify the excavator by an electronic method; and
- ! changing the effective date to November 1, 2001.

A related bill, HB 2191 by B. Turner, which would increase fees and penalties regarding notification of underground lines, also is on today's General State Calendar.