

BILL ANALYSIS

C.S.H.B. 1913
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent years, fire fighters in rural areas of the state have faced increasing problems with broken fire hydrants. This has resulted in significant loss of property and a potential risk to human life. In 2007, the 80th Legislature, Regular Session, enacted H.B. 1717 to help fire fighters identify nonfunctioning hydrants by requiring the owners of hydrants to paint them black if they are nonfunctioning or otherwise unavailable for fire suppression services. After passage, some water utilities began painting all of their hydrants black out of concern that the statute might subject them to lawsuits.

C.S.H.B. 1913 sets out the conditions under which a hydrant is considered unavailable, exempts a public water system from liability for a hydrant's inability to provide adequate water supply in a fire emergency, and implements a coloring system for hydrants that are used only to fill the tanks of trucks.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1913 amends Section 341.0357, Health and Safety Code, as added by Chapter 684 (H.B. 1717), Acts of the 80th Legislature, Regular Session, 2007, to require each public water system responsible for any hydrant to paint all or the cap of the hydrant white if the hydrant is available to be used only to fill a water tank on a fire truck used for fire suppression services and to paint all or the cap of the hydrant black if the hydrant is unavailable for use by the entity providing fire suppression services in a fire emergency. The bill specifies for the purposes of this provision that a hydrant is unavailable for use in a fire emergency if it is unavailable for pumping directly from the hydrant or is unavailable for use in filling a water tank on a fire truck used for fire suppression services. The bill authorizes a public water system to use another means to conceal the hydrant, in addition to placing a black tarp over the hydrant, instead of painting all or the caps of the hydrant black if the hydrant is temporarily unavailable for use in a fire emergency for a period not to exceed 60 days, rather than seven days. The bill requires the public water system responsible for the hydrant, not later than the 60th day after the date a hydrant is concealed, to remove the tarp or other means of concealment if the hydrant is available for the provision of fire suppression services, or to paint all or the cap of the hydrant black if the hydrant continues to be unavailable for use in a fire emergency. The bill authorizes a public water system that paints all or the cap of a hydrant black to also ensure by any reasonable means that the hydrant is identifiable in low-light conditions, including by installing reflectors.

C.S.H.B. 1913 establishes that a hydrant is considered to be unavailable for use by an entity responsible for providing fire suppression services in a fire emergency if the public water system is not obligated by ordinance, regulation, or contract to provide water for fire suppression services and elects not to provide water for those services; or the hydrant delivered less than 50

gallons of water per minute during its most recent flow test under normal conditions. The bill removes the provision specifying that a hydrant is considered to be nonfunctioning if the hydrant pumps less than 250 gallons of water per minute.

C.S.H.B. 1913 exempts from its provisions any public water system that has entered into a contract with a municipality or volunteer fire department to provide a water supply for fire suppression services if the contract specifies a different system for labeling or color coding hydrants. The bill authorizes the inclusion in such a system for labeling or color coding hydrants of the assignment of different colors to identify hydrants that are available for direct pumping, hydrants that are available for filling a water tank on a fire truck used for fire suppression services, and hydrants that are unavailable for use by an entity providing fire suppression services in a fire emergency. The bill establishes that the fact that all or the cap of a hydrant for which a public water system is responsible is neither painted black nor concealed does not constitute a guarantee by the public water system that the hydrant will deliver a certain amount of water flow at all times. The bill exempts a public water system from liability for a hydrant's inability to provide adequate water supply in a fire emergency.

C.S.H.B. 1913 defines "hydrant" as either a fire hydrant or a metal flush valve that has the appearance of a fire hydrant and is located in a place that an entity responsible for providing fire suppression services in a fire emergency would expect a fire hydrant to typically be located. The bill requires each public water system responsible for a hydrant to ensure that its hydrants comply with the requirements imposed by the bill's provisions not later than January 1, 2010.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1913 differs from the original by making nonsubstantive technical changes.