

By: Dale

H.B. No. 2900

A BILL TO BE ENTITLED

AN ACT

1  
2 Relating to underground facility damage prevention and safety.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 251, Utilities Code, is amended by  
5 deleting Section 251.004 in its entirety.

6 SECTION 2. Section 251.156, Utilities Code is amended to  
7 read as follows:

8 Sec. 251.156. OTHER EXCEPTIONS TO DUTY OF EXCAVATORS. (a)

9 Section 251.151 does not apply to:

10 (1) interment operations of a cemetery;

11 (2) operations at a secured facility if:

12 (A) the excavator operates each underground facility at the  
13 secured facility, other than those within a third-party underground  
14 facility easement or right-of-way; and

15 (B) the excavation activity is not within a third-party  
16 underground facility or right-of-way;

17 (3) routine railroad maintenance within 15 feet of either side of  
18 the midline of the track if the maintenance will not disturb the  
19 ground at a depth of more than 18 inches;

20 (4~~3~~) activities performed on private property in connection with  
21 agricultural operations at a depth of less than 16 inches;

22 (5~~4~~) operations associated with the exploration or production of  
23 oil or gas if the operations are not conducted within an underground  
24 facility easement or right-of-way; or

1 (65) excavations by or for a person that:

2 (A) owns, leases, or owns a mineral leasehold interest in the real  
3 property on which the excavation occurs; and

4 (B) operates all underground facilities located at the excavation  
5 site; or

6 (7) routine maintenance by a county employee on a county road  
7 right-of-way to a depth of not more than 24 inches.

8 (b) If a person excepted under Subsection (a)(43) elects to comply  
9 with this chapter and the operator fails to comply with this  
10 chapter, the person is not liable to the underground facility owner  
11 for damages to the underground facility.

12 (c) In this section:

13 (1) "Agricultural operations" means activities performed on land  
14 and described by Section 23.51(2), Tax Code.

15 (2) "Routine maintenance" means operations, not to exceed 24  
16 inches in depth, within a road or drainage ditch involving grading  
17 and removal or replacement of pavement and structures.

18 SECTION 3. This Act shall be effective September 1, 2013.