

By: Bonnen of Galveston

H.B. No. 3162

A BILL TO BE ENTITLED

AN ACT

relating to the duty of an excavator to notify a notification center or to make a 9-1-1 emergency call in response to underground facility damage or an emergency.

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

SECTION 1. Section 251.152, Utilities Code, is amended to read as follows:

Sec. 251.152. INFORMATION INCLUDED IN NOTICE. The excavator shall include in the notice required under Sections ~~[Section]~~ 251.151 and 251.155:

(1) the name of the person serving the notice;

(2) the location of the proposed area of excavation, including:

(A) the street address, if available, and the location of the excavation at the street address; or

(B) if there is no street address, an accurate description of the excavation area using any available designations such as the closest street, road, or intersection;

(3) the name, address, and telephone number of the excavator or the excavator's company;

(4) the excavator's field telephone number, if one is available;

(5) for an excavation that is not an emergency, a telephone facsimile number, e-mail address, or another electronic

number or address approved by the board to which an operator may send the notification required by Section 251.157(d);

(6) the starting date and time and the anticipated completion date of excavation; ~~and~~

(7) a statement as to whether explosives will be used; and

(8) for an emergency excavation, information about the conditions that create the emergency.

SECTION 2. Sections 251.155(b) and (c), Utilities Code, are amended to read as follows:

(b) If the emergency involves a flammable material, the ~~The~~ excavator:

(1) may begin emergency excavation under Subsection (a) immediately, before notifying a notification center;

(2) shall notify a notification center as promptly as practicably possible; and

(3) shall take reasonable care to protect underground facilities.

(c) If the emergency does not involve a flammable material, the excavator:

(1) [When an emergency exists, the excavator] shall notify a notification center as promptly as practicably possible;

(2) may begin emergency excavation only after notifying the notification center; and

(3) shall take reasonable care to protect underground facilities.

SECTION 3. Section 251.159, Utilities Code, is amended by

amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) If an excavation operation results in damage to an underground facility, including the defacing, scraping, displacement, penetration, destruction, or partial or complete severance or weakening of a protective coating, housing, or other protective device or structural or lateral support of a pipeline, the excavator shall immediately contact a notification center [~~the underground facility operator~~] to report the damage and, except as provided by Subsection (b), contact the underground facility operator.

(a-1) If an excavation operation results in a release of materials transported by an underground facility, the excavator shall immediately make a 9-1-1 emergency call to report the release. Immediately after concluding the 9-1-1 emergency call, the excavator shall contact a notification center to report the release and, except as provided by Subsection (b), contact the underground facility operator.

(b) If the excavator is not certain of the operator's identity, the excavator shall contact a notification center to report the damage, after complying with Subsection (a-1), if applicable, and the notification center shall immediately notify all other affected notification centers. Immediately on receiving notification, each notification center shall contact each member operator that has underground facilities in or near the area in which the damage occurred.

SECTION 4. This Act takes effect September 1, 2017.