

By: Paddie

H.B. No. 3211

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for the notice that excavators must
3 provide to notification centers and underground facility operators
4 for certain excavation operations.

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

6 SECTION 1. Section 251.151(a), Utilities Code, is amended
7 to read as follows:

8 (a) Except as provided by Sections 251.155, ~~and~~ 251.156,
9 and 251.1565, a person who intends to excavate shall notify a
10 notification center not earlier than the 14th day before the date
11 the excavation is to begin or later than the 48th hour before the
12 time the excavation is to begin, excluding Saturdays, Sundays, and
13 legal holidays.

14 SECTION 2. Subchapter D, Chapter 251, Utilities Code, is
15 amended by adding Section 251.1565 to read as follows:

16 Sec. 251.1565. LARGE OPERATION EXCAVATION EXCEPTION. (a)
17 For the purposes of this section, "large operation" means an
18 excavation operation conducted in a contiguous geographical area
19 that:

20 (1) exceeds one linear mile; or

21 (2) reasonably requires more than 90 days to complete.

22 (b) For a planned large operation, the excavator shall:

23 (1) notify a notification center of the operation and
24 include in the notice:

1 (A) the information described by Section
2 251.152; and

3 (B) an indication that the operation is a large
4 operation; and

5 (2) provide written notice of the operation to each
6 operator that may have an underground facility in the vicinity of
7 the operation.

8 (c) The excavator may not begin the large operation until
9 the excavator and each operator that is known to the excavator to
10 have an underground facility in the vicinity of the operation have
11 entered into an agreement to coordinate the marking of the
12 operator's underground facilities in segments as the operation
13 progresses in order to coordinate the marking of the facilities
14 with excavation schedules. The excavator and each operator shall
15 determine a mutually agreed on marking schedule based on the
16 planned operation schedule.

17 (d) Once an excavator establishes a marking schedule under
18 Subsection (c) with each operator that has an underground facility
19 in the vicinity of the operation, the marking and notification
20 requirements of Sections 251.151, 251.154, and 251.157 do not apply
21 to the large operation.

22 (e) An excavator may treat any excavation operation as a
23 large operation for the purposes of notifying an operator of a
24 planned excavation operation and determining a marking schedule
25 with the operator if the operator agrees.

26 (f) The excavator shall notify each operator with which the
27 excavator has agreed on a marking schedule under this section if:

- 1 (1) the start time of the large operation changes;
2 (2) the information provided to the notification
3 center under Subsection (b) for the large operation changes; or
4 (3) the operator's markings are no longer visible, are
5 unclear, or are damaged.

6 (g) The excavator shall notify each operator with which the
7 excavator has agreed on a marking schedule under this section of the
8 time excavation will begin in close proximity to the operator's
9 facility at least 24 hours before that time.

10 SECTION 3. Section 251.157(a), Utilities Code, is amended
11 to read as follows:

12 (a) Each Class A underground facility operator contacted by
13 the notification system shall mark the approximate location of its
14 underground facilities at or near the site of the proposed
15 excavation if the operator believes that marking the location is
16 necessary. The operator shall mark the location not later than:

17 (1) the 48th hour after the time the excavator gives to
18 the notification system notice of intent to excavate, excluding
19 Saturdays, Sundays, and legal holidays;

20 (2) 11:59 a.m. on the Tuesday following a Saturday
21 notification unless the intervening Monday is a holiday;

22 (3) 11:59 a.m. on the Wednesday following a Saturday
23 notification if the intervening Monday is a holiday; ~~[or]~~

24 (4) if the operator must use additional equipment or
25 excavate the proposed excavation site to mark the approximate
26 location of its underground facilities, 96 hours after 8:00 a.m. on
27 the business day following the date the excavator gives the

1 notification system notice of intent to excavate; or

2 (5) a time agreed to by the operator and the excavator.

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