

By: Capriglione

H.B. No. 3673

A BILL TO BE ENTITLED

AN ACT

relating to the application of the Underground Facility Damage Prevention and Safety Act to Class B underground facilities.

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

SECTION 1. Section 251.005, Utilities Code, is amended to read as follows:

Sec. 251.005. CONVERSION OF FACILITY OR OPERATOR. ~~[(a)]~~ An operator of an underground facility that is exempted under this subchapter may voluntarily convert that facility to a Class A or Class B underground facility, depending on how the facility is used, by sending written communication from a competent authority of the operator to the corporation advising of the status change.

~~[(b) An operator of a Class B underground facility may voluntarily convert to a Class A underground facility operator by sending written communication from a competent authority of the operator to the corporation advising of the status change.]~~

SECTION 2. Section 251.009, Utilities Code, is amended to read as follows:

Sec. 251.009. PROVISION OF GENERAL INFORMATION. At least once each calendar year, at intervals not exceeding 15 months, each Class A or Class B underground facility operator who conveys, transmits, or distributes by means of its underground facilities service directly to more than one million residential customers in ~~[within]~~ this state shall provide all of its residential customers

1 in this state general information about excavation activities
2 covered by this chapter and the statewide toll-free telephone
3 number established by the corporation.

4 SECTION 3. Section 251.060, Utilities Code, is amended to
5 read as follows:

6 Sec. 251.060. DUTIES OF CORPORATION. The corporation shall
7 develop and implement processes to:

8 (1) maintain a registration of:

9 (A) notification centers as provided by Section
10 251.101(a)(3); and

11 (B) operators who elect to convert facilities to
12 Class A or Class B facilities under Section 251.005 [~~251.005(a), or~~

13 [~~(C) operators who elect to become Class A~~
14 ~~underground facility operators under Section 251.005(b)];~~

15 (2) establish minimum technical standards used by
16 notification centers;

17 (3) establish a statewide toll-free telephone number
18 to be used by excavators that incorporates the use of a call router
19 system that routes calls to the notification centers on a pro rata
20 basis;

21 (4) oversee the bid process and select the vendor for
22 the statewide toll-free telephone number;

23 (5) oversee the bid process and select the vendor for
24 the call router system;

25 (6) determine before May 1 of each year the
26 cost-sharing between the notification centers of:

27 (A) the toll-free telephone number; and

1 (B) the call router system prescribed by Section
2 251.102(4);

3 (7) develop public service announcements to educate
4 the public about statewide one-call notification and its
5 availability;

6 (8) establish a format for information transfer among
7 notification centers other than high speed data transmission, if
8 appropriate;

9 (9) on a complaint concerning charges, investigate and
10 determine appropriate charges;

11 (10) recommend a civil penalty against a notification
12 center that does not meet the requirements of this chapter of not
13 less than \$1,000 or more than \$5,000 for each violation;

14 (11) refer the recommended penalty to the attorney
15 general, who shall institute a suit in a court of competent
16 jurisdiction to recover the penalty;

17 (12) assist in dispute resolution among notification
18 centers or between a notification center and an operator;

19 (13) assist any operator who encounters difficulty in
20 joining a notification center; and

21 (14) review and study design standards for the
22 placement of underground facilities throughout this state.

23 SECTION 4. Section 251.062(b), Utilities Code, is amended
24 to read as follows:

25 (b) Before January 15 of each year, each ~~a~~ Class A or Class
26 B facility operator shall pay to the corporation a fee of \$50 for
27 services to be performed by the corporation during that calendar

1 year. A fee for a part of a year may not be prorated.

2 SECTION 5. Section 251.105(b), Utilities Code, is amended
3 to read as follows:

4 (b) The notification center shall charge a Class A or Class
5 B underground facility operator not more than \$1.25 for a call made
6 to the system that affects the operator. The board may increase or
7 decrease the maximum charge only on an affirmative vote of at least
8 two-thirds of the total number of votes entitled to be cast. A
9 notification center may petition the corporation for an increase in
10 the maximum charge and is entitled to the increase on proof that
11 costs exceed the maximum charge.

12 SECTION 6. Sections 251.107(a) and (b), Utilities Code, are
13 amended to read as follows:

14 (a) Each operator of a Class A or Class B underground
15 facility, including a political subdivision of this state, shall
16 participate in a notification center as a condition of doing
17 business in this state.

18 (b) Each operator of a Class A or Class B underground
19 facility shall provide to the notification center:

20 (1) maps or grid locations or other identifiers
21 determined by the operator indicating the location of the
22 operator's underground facilities;

23 (2) the name and telephone number of a contact person
24 or persons; and

25 (3) at least quarterly but, if possible, as those
26 changes occur, information relating to each change in the
27 operator's maps or grid locations or other identifiers or in the

1 person or persons designated as the operator's contact person or
2 persons.

3 SECTION 7. Section 251.157(a), Utilities Code, is amended
4 to read as follows:

5 (a) Each Class A or Class B underground facility operator
6 contacted by the notification system shall mark the approximate
7 location of its underground facilities at or near the site of the
8 proposed excavation if the operator believes that marking the
9 location is necessary. The operator shall mark the location not
10 later than:

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

14 (2) 11:59 a.m. on the Tuesday following a Saturday
15 notification unless the intervening Monday is a holiday;

16 (3) 11:59 a.m. on the Wednesday following a Saturday
17 notification if the intervening Monday is a holiday; or

18 (4) a time agreed to by the operator and the excavator.

19 SECTION 8. This Act takes effect January 1, 2021.