

By: Paddie, Dean, Raymond, Ashby, Clardy,
et al.

H.B. No. 4150

A BILL TO BE ENTITLED

AN ACT

relating to safety and inspection requirements for certain
utilities that provide electricity.

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

SECTION 1. This Act may be cited as the William Thomas Heath
Power Line Safety Act.

SECTION 2. Subchapter E, Chapter 36, Utilities Code, is
amended by adding Section 36.214 to read as follows:

Sec. 36.214. ADJUSTMENT FOR COSTS RELATED TO REPORTING ON
SAFETY PROCESSES AND INSPECTIONS FOR CERTAIN UTILITIES. The
commission, on its own motion or on the petition of an electric
utility, shall allow the electric utility to recover reasonable and
necessary costs incurred in complying with reporting requirements
under Section 38.102.

SECTION 3. Section 38.004, Utilities Code, is amended to
read as follows:

Sec. 38.004. MINIMUM CLEARANCE STANDARD. (a)
Notwithstanding any other law, a transmission or distribution line
owned by an electric utility or an electric cooperative must be
constructed, operated, and maintained, as to clearances, in the
manner described by the National Electrical Safety Code Standard
ANSI (c)(2), as adopted by the American National Safety Institute
and in effect at the time of construction.

(b) An electric utility, municipally owned utility, or

electric cooperative shall meet the minimum clearance requirements specified in Rule 232 of the National Electrical Safety Code Standard ANSI (c)(2) in the construction of any transmission or distribution line over the following lakes:

- (1) Abilene;
- (2) Alan Henry;
- (3) Alvarado Park;
- (4) Amistad;
- (5) Amon G. Carter;
- (6) Aquilla;
- (7) Arlington;
- (8) Arrowhead;
- (9) Athens;
- (10) Austin;
- (11) Averhoff;
- (12) B. A. Steinhagen;
- (13) Bachman;
- (14) Balmorhea;
- (15) Bardwell;
- (16) Bastrop;
- (17) Baylor Creek;
- (18) Belton;
- (19) Benbrook;
- (20) Big Creek;
- (21) Bob Sandlin;
- (22) Bonham;
- (23) Bonham State Park;

- 1 (24) Brady Creek;
- 2 (25) Brandy Branch;
- 3 (26) Braunig;
- 4 (27) Brazos;
- 5 (28) Bridgeport;
- 6 (29) Brownwood;
- 7 (30) Bryan;
- 8 (31) Bryson;
- 9 (32) Buchanan;
- 10 (33) Buffalo Creek;
- 11 (34) Buffalo Springs;
- 12 (35) Caddo;
- 13 (36) Calaveras;
- 14 (37) Canyon;
- 15 (38) Casa Blanca;
- 16 (39) Cedar Creek;
- 17 (40) Champion Creek;
- 18 (41) Choke Canyon;
- 19 (42) Cisco;
- 20 (43) Cleburne State Park;
- 21 (44) Clyde;
- 22 (45) Coffee Mill;
- 23 (46) Coleman;
- 24 (47) Coleta Creek;
- 25 (48) Colorado City;
- 26 (49) Conroe;
- 27 (50) Cooper;

- 1 (51) Corpus Christi;
- 2 (52) Crook;
- 3 (53) Cypress Springs;
- 4 (54) Daniel;
- 5 (55) Davy Crockett;
- 6 (56) Diversion;
- 7 (57) Dunlap;
- 8 (58) Eagle Mountain;
- 9 (59) E. V. Spence;
- 10 (60) Fairfield;
- 11 (61) Falcon;
- 12 (62) Fayette County;
- 13 (63) Findley;
- 14 (64) Fork;
- 15 (65) Fort Parker State Park;
- 16 (66) Fort Phantom Hill;
- 17 (67) Fryer;
- 18 (68) Georgetown;
- 19 (69) Gibbons Creek;
- 20 (70) Gilmer;
- 21 (71) Gladewater;
- 22 (72) Gonzales;
- 23 (73) Graham;
- 24 (74) Granbury;
- 25 (75) Granger;
- 26 (76) Grapevine;
- 27 (77) Greenbelt;

- 1 (78) Halbert;
- 2 (79) Hawkins;
- 3 (80) Holbrook;
- 4 (81) Hords Creek;
- 5 (82) Houston;
- 6 (83) Houston County;
- 7 (84) Hubbard Creek;
- 8 (85) Inks;
- 9 (86) Jacksboro;
- 10 (87) Jacksonville;
- 11 (88) J. B. Thomas;
- 12 (89) Joe Pool;
- 13 (90) Kemp;
- 14 (91) Kickapoo;
- 15 (92) Kirby;
- 16 (93) Kurth;
- 17 (94) Lady Bird;
- 18 (95) Lake O' The Pines;
- 19 (96) Lavon;
- 20 (97) Leon;
- 21 (98) Lewisville;
- 22 (99) Limestone;
- 23 (100) Livingston;
- 24 (101) Lone Star;
- 25 (102) Lost Creek;
- 26 (103) Lyndon B. Johnson;
- 27 (104) Mackenzie;

- 1 (105) Marble Falls;
- 2 (106) Marine Creek;
- 3 (107) Martin Creek;
- 4 (108) McClellan;
- 5 (109) Medina;
- 6 (110) Meredith;
- 7 (111) Meridian State Park;
- 8 (112) Mexia;
- 9 (113) Mill Creek;
- 10 (114) Millers Creek;
- 11 (115) Mineral Wells;
- 12 (116) Monticello;
- 13 (117) Moss;
- 14 (118) Mountain Creek;
- 15 (119) Muenster;
- 16 (120) Murvaul;
- 17 (121) Nacogdoches;
- 18 (122) Naconiche;
- 19 (123) Nasworthy;
- 20 (124) Navarro Mills;
- 21 (125) New Ballinger;
- 22 (126) Nocona;
- 23 (127) Oak Creek;
- 24 (128) O. C. Fisher;
- 25 (129) O. H. Ivie;
- 26 (130) Palestine;
- 27 (131) Palo Duro;

- 1 (132) Palo Pinto;
- 2 (133) Pat Cleburne;
- 3 (134) Pat Mayse;
- 4 (135) Pinkston;
- 5 (136) Placid;
- 6 (137) Possum Kingdom;
- 7 (138) Proctor;
- 8 (139) Purdis Creek;
- 9 (140) Quitman;
- 10 (141) Raven;
- 11 (142) Ray Hubbard;
- 12 (143) Ray Roberts;
- 13 (144) Red Bluff;
- 14 (145) Richland-Chambers;
- 15 (146) Sam Rayburn;
- 16 (147) Sheldon;
- 17 (148) Somerville;
- 18 (149) Squaw Creek;
- 19 (150) Stamford;
- 20 (151) Stillhouse Hollow;
- 21 (152) Striker;
- 22 (153) Sulphur Springs;
- 23 (154) Sweetwater;
- 24 (155) Tawakoni;
- 25 (156) Texana;
- 26 (157) Texoma;
- 27 (158) Timpson;

1 (159) Toledo Bend;
2 (160) Tradinghouse Creek;
3 (161) Travis;
4 (162) Twin Buttes;
5 (163) Tyler;
6 (164) Waco;
7 (165) Walter E. Long;
8 (166) Waxahachie;
9 (167) Weatherford;
10 (168) Welsh;
11 (169) Wheeler Branch;
12 (170) White River;
13 (171) White Rock;
14 (172) Whitney;
15 (173) Wichita;
16 (174) Winnsboro;
17 (175) Winters-Elm Creek;
18 (176) Wood;
19 (177) Worth; and
20 (178) Wright Patman.

21 SECTION 4. Subchapter E, Chapter 38, Utilities Code, is
22 amended by adding Section 38.102 to read as follows:

23 Sec. 38.102. REPORTS ON SAFETY PROCESSES AND INSPECTIONS.

24 (a) Each electric utility, municipally owned utility, and electric
25 cooperative that owns or operates overhead transmission or
26 distribution assets shall submit to the commission a report that
27 includes:

1 (1) a summary description of hazard recognition
2 training documents provided by the utility or electric cooperative
3 to its employees related to overhead transmission and distribution
4 facilities; and

5 (2) a summary description of training programs
6 provided to employees by the utility or electric cooperative
7 related to the National Electrical Safety Code for the construction
8 of electric transmission and distribution lines.

9 (b) An electric utility, municipally owned utility, or
10 electric cooperative shall submit an updated report not later than
11 the 30th day after the date the utility or electric cooperative
12 finalizes a material change to a document or program included in a
13 report submitted under Subsection (a).

14 (c) Not later than May 1 every five years, each electric
15 utility, municipally owned utility, and electric cooperative that
16 owns or operates overhead transmission facilities shall submit to
17 the commission a report for the preceding five-year period ending
18 on December 31 of the preceding calendar year that includes:

19 (1) the percentage of overhead transmission
20 facilities inspected for compliance with the National Electrical
21 Safety Code relating to vertical clearance in the reporting period;
22 and

23 (2) the percentage of the overhead transmission
24 facilities anticipated to be inspected for compliance with the
25 National Electrical Safety Code relating to vertical clearance
26 during the five-year period beginning on January 1 of the year in
27 which the report is submitted.

1 (d) Subject to Subsection (f), not later than May 1 of each
2 year, each electric utility, municipally owned utility, or electric
3 cooperative that owns or operates overhead transmission facilities
4 greater than 60 kilovolts shall submit to the commission a report on
5 the facilities for the preceding calendar year that includes
6 information regarding:

7 (1) the number of identified occurrences of
8 noncompliance with Section 38.004 regarding the vertical clearance
9 requirements of the National Electrical Safety Code;

10 (2) whether the utility or electric cooperative has
11 actual knowledge that any portion of the utility's or electric
12 cooperative's transmission system is not in compliance with Section
13 38.004 regarding the vertical clearance requirements of the
14 National Electrical Safety Code; and

15 (3) whether the utility or electric cooperative has
16 actual knowledge of any violations of easement agreements with the
17 United States Army Corps of Engineers relating to Section 38.004
18 regarding the vertical clearance requirements of the National
19 Electrical Safety Code.

20 (e) Subject to Subsection (f), not later than May 1 of each
21 year, each electric utility, municipally owned utility, or electric
22 cooperative that owns or operates overhead transmission facilities
23 greater than 60 kilovolts or distribution facilities greater than 1
24 kilovolt shall submit to the commission a report for the preceding
25 calendar year that includes:

26 (1) the number of fatalities or injuries of
27 individuals other than employees, contractors, or other persons

1 qualified to work in proximity to overhead high voltage lines
2 involving transmission or distribution assets related to
3 noncompliance with the requirements of Section 38.004; and

4 (2) a description of corrective actions taken or
5 planned to prevent the reoccurrence of fatalities or injuries
6 described by Subdivision (1).

7 (f) Violations resulting from, and incidents, fatalities,
8 or injuries attributable to a violation resulting from, a natural
9 disaster, weather event, or man-made act or force outside of a
10 utility's or electric cooperative's control are not required to be
11 included in the portions of the reports required under Subsections
12 (d) and (e).

13 (g) Not later than September 1, each year the commission
14 shall make the reports publicly available on the commission's
15 Internet website.

16 (h) A report, and any required information contained in a
17 report, made on an incident or violation under this section is not
18 admissible in a civil or criminal proceeding against the electric
19 utility, municipally owned utility, or electric cooperative, or the
20 utility's or electric cooperative's employees, directors, or
21 officers. The commission may otherwise take enforcement actions
22 under the commission's authority.

23 SECTION 5. Any electric utility, municipally owned utility,
24 or electric cooperative that owns a transmission or distribution
25 line over a lake listed in Section 38.004(b), Utilities Code, as
26 added by this Act, that is not in compliance on the effective date
27 of this Act with the clearance standards of Rule 232 of the National

1 Electrical Safety Code Standard ANSI (c)(2) in effect at the time
2 the line was constructed shall bring the line into compliance not
3 later than December 31, 2021. Any line over a lake listed in
4 Section 38.004(b), Utilities Code, as added by this Act, that must
5 be rebuilt to comply with this section must be constructed in
6 accordance with the clearance standards of Rule 232 of the National
7 Electrical Safety Code Standard ANSI (c)(2) in effect on the
8 effective date of this Act.

9 SECTION 6. An electric utility, a municipally owned
10 utility, or an electric cooperative required to submit a report
11 under Section 38.102, Utilities Code, as added by this Act, is not
12 required to submit the report until May 1, 2020.

13 SECTION 7. This Act takes effect September 1, 2019.