

By: Paddie, Dean

H.B. No. 4150

Substitute the following for H.B. No. 4150:

By: Raymond

C.S.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. 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;

- 1 (7) Arlington;
- 2 (8) Arrowhead;
- 3 (9) Athens;
- 4 (10) Austin;
- 5 (11) Averhoff;
- 6 (12) B. A. Steinhagen;
- 7 (13) Bachman;
- 8 (14) Balmorhea;
- 9 (15) Bardwell;
- 10 (16) Bastrop;
- 11 (17) Baylor Creek;
- 12 (18) Belton;
- 13 (19) Benbrook;
- 14 (20) Big Creek;
- 15 (21) Bob Sandlin;
- 16 (22) Bonham;
- 17 (23) Bonham State Park;
- 18 (24) Brady Creek;
- 19 (25) Brandy Branch;
- 20 (26) Braunig;
- 21 (27) Brazos;
- 22 (28) Bridgeport;
- 23 (29) Brownwood;
- 24 (30) Bryan;
- 25 (31) Bryson;
- 26 (32) Buchanan;
- 27 (33) Buffalo Creek;

1 (34) Buffalo Springs;
2 (35) Caddo;
3 (36) Calaveras;
4 (37) Canyon;
5 (38) Casa Blanca;
6 (39) Cedar Creek;
7 (40) Champion Creek;
8 (41) Choke Canyon;
9 (42) Cisco;
10 (43) Cleburne State Park;
11 (44) Clyde;
12 (45) Coffee Mill;
13 (46) Coleman;
14 (47) Coletto Creek;
15 (48) Colorado City;
16 (49) Conroe;
17 (50) Cooper;
18 (51) Corpus Christi;
19 (52) Crook;
20 (53) Cypress Springs;
21 (54) Daniel;
22 (55) Davy Crockett;
23 (56) Diversion;
24 (57) Dunlap;
25 (58) Eagle Mountain;
26 (59) E. V. Spence;
27 (60) Fairfield;

- 1 (61) Falcon;
- 2 (62) Fayette County;
- 3 (63) Findley;
- 4 (64) Fork;
- 5 (65) Fort Parker State Park;
- 6 (66) Fort Phantom Hill;
- 7 (67) Fryer;
- 8 (68) Georgetown;
- 9 (69) Gibbons Creek;
- 10 (70) Gilmer;
- 11 (71) Gladewater;
- 12 (72) Gonzales;
- 13 (73) Graham;
- 14 (74) Granbury;
- 15 (75) Granger;
- 16 (76) Grapevine;
- 17 (77) Greenbelt;
- 18 (78) Halbert;
- 19 (79) Hawkins;
- 20 (80) Holbrook;
- 21 (81) Hords Creek;
- 22 (82) Houston;
- 23 (83) Houston County;
- 24 (84) Hubbard Creek;
- 25 (85) Inks;
- 26 (86) Jacksboro;
- 27 (87) Jacksonville;

- 1 (88) J. B. Thomas;
- 2 (89) Joe Pool;
- 3 (90) Kemp;
- 4 (91) Kickapoo;
- 5 (92) Kirby;
- 6 (93) Kurth;
- 7 (94) Lady Bird;
- 8 (95) Lake O' The Pines;
- 9 (96) Lavon;
- 10 (97) Leon;
- 11 (98) Lewisville;
- 12 (99) Limestone;
- 13 (100) Livingston;
- 14 (101) Lone Star;
- 15 (102) Lost Creek;
- 16 (103) Lyndon B. Johnson;
- 17 (104) Mackenzie;
- 18 (105) Marble Falls;
- 19 (106) Marine Creek;
- 20 (107) Martin Creek;
- 21 (108) McClellan;
- 22 (109) Medina;
- 23 (110) Meredith;
- 24 (111) Meridian State Park;
- 25 (112) Mexia;
- 26 (113) Mill Creek;
- 27 (114) Millers Creek;

- 1 (115) Mineral Wells;
- 2 (116) Monticello;
- 3 (117) Moss;
- 4 (118) Mountain Creek;
- 5 (119) Muenster;
- 6 (120) Murvaul;
- 7 (121) Nacogdoches;
- 8 (122) Naconiche;
- 9 (123) Nasworthy;
- 10 (124) Navarro Mills;
- 11 (125) New Ballinger;
- 12 (126) Nocona;
- 13 (127) Oak Creek;
- 14 (128) O. C. Fisher;
- 15 (129) O. H. Ivie;
- 16 (130) Palestine;
- 17 (131) Palo Duro;
- 18 (132) Palo Pinto;
- 19 (133) Pat Cleburne;
- 20 (134) Pat Mayse;
- 21 (135) Pinkston;
- 22 (136) Placid;
- 23 (137) Possum Kingdom;
- 24 (138) Proctor;
- 25 (139) Purdis Creek;
- 26 (140) Quitman;
- 27 (141) Raven;

- 1 (142) Ray Hubbard;
- 2 (143) Ray Roberts;
- 3 (144) Red Bluff;
- 4 (145) Richland-Chambers;
- 5 (146) Sam Rayburn;
- 6 (147) Sheldon;
- 7 (148) Somerville;
- 8 (149) Squaw Creek;
- 9 (150) Stamford;
- 10 (151) Stillhouse Hollow;
- 11 (152) Striker;
- 12 (153) Sulphur Springs;
- 13 (154) Sweetwater;
- 14 (155) Tawakoni;
- 15 (156) Texana;
- 16 (157) Texoma;
- 17 (158) Timpson;
- 18 (159) Toledo Bend;
- 19 (160) Tradinghouse Creek;
- 20 (161) Travis;
- 21 (162) Twin Buttes;
- 22 (163) Tyler;
- 23 (164) Waco;
- 24 (165) Walter E. Long;
- 25 (166) Waxahachie;
- 26 (167) Weatherford;
- 27 (168) Welsh;

(169) Wheeler Branch;
(170) White River;
(171) White Rock;
(172) Whitney;
(173) Wichita;
(174) Winnsboro;
(175) Winters-Elm Creek;
(176) Wood;
(177) Worth; and
(178) Wright Patman.

SECTION 2. Subchapter E, Chapter 38, Utilities Code, is amended by adding Section 38.102 to read as follows:

Sec. 38.102. REPORTS ON SAFETY PROCESSES AND INSPECTION.

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

(1) a summary description of hazard recognition training programs provided by the utility or electric cooperative to its employees and contractors related to transmission and distribution facilities; and

(2) a summary description of training programs provided to employees and contractors by the utility or electric cooperative related to the National Electrical Safety Code and United States Army Corps of Engineers regulations and design requirements for the construction of electric transmission and distribution lines.

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

1 electric cooperative shall submit an updated report not later than
2 the 30th day after the date the utility or electric cooperative
3 finalizes a change to a program included in a report submitted under
4 Subsection (a).

5 (c) Not later than May 1 of each year, each electric utility
6 that owns or operates overhead transmission or distribution
7 facilities greater than one kilovolt shall submit to the commission
8 a report on the facilities for the preceding calendar year that
9 includes:

10 (1) identified occurrences of noncompliance with
11 inspection criteria defined by commission rule, the date of
12 discovery of the noncompliance, and the remedy or mitigation plan
13 implemented by the utility; and

14 (2) identified occurrences of noncompliance with any
15 agreement with the United States Army Corps of Engineers, including
16 an easement agreement, relating to the vertical clearance of a
17 facility.

18 (d) Not later than May 1 of each year, each municipally
19 owned utility or electric cooperative that owns or operates
20 transmission or distribution assets shall submit to the commission
21 a report for the preceding 12-month period ending on March 31 that
22 includes:

23 (1) the percentage of the transmission or distribution
24 system or assets inspected for compliance with the National
25 Electrical Safety Code in the reporting period; and

26 (2) the percentage of the transmission or distribution
27 system or assets anticipated to be inspected for compliance with

1 the National Electrical Safety Code during the year in which the
2 report is submitted.

3 (e) Not later than May 1 every five years, each electric
4 utility that owns or operates overhead transmission facilities
5 shall submit to the commission a report for the preceding five-year
6 period ending on March 31 that includes:

7 (1) the percentage of overhead transmission
8 facilities inspected for compliance with the National Electrical
9 Safety Code in the reporting period; and

10 (2) the percentage of the overhead transmission
11 facilities anticipated to be inspected for compliance with the
12 National Electrical Safety Code during the five-year period
13 beginning on March 31 of the year in which the report is submitted.

14 (f) Subject to Subsection (g), not later than May 1 of each
15 year, each electric utility, municipally owned utility, or electric
16 cooperative that owns or operates transmission or distribution
17 assets shall submit to the commission a report for the preceding
18 12-month period ending on March 31 that includes:

19 (1) the number of incidents reported by employees or
20 the public regarding transmission and distribution assets that are
21 not in compliance as of March 31 with the National Electrical Safety
22 Code;

23 (2) a statement of whether the utility or electric
24 cooperative was aware on March 31 of the reporting period that any
25 portion of the utility's or electric cooperative's transmission or
26 distribution system was not in compliance with the National
27 Electrical Safety Code;

1 (3) a statement of whether the utility or electric
2 cooperative was aware on March 31 of the reporting period of any
3 violations of easement agreements on the basis of power line height
4 requirements under Section 38.004, including easement agreements
5 with the United States Army Corps of Engineers;

6 (4) the number of fatalities or injuries of
7 individuals other than employees resulting from transmission or
8 distribution assets; and

9 (5) a description of corrective actions taken or
10 planned to prevent the reoccurrence of fatalities or injuries
11 described by Subdivision (4).

12 (g) Incidents, violations, fatalities, or injuries
13 attributable to a natural disaster or weather event are not
14 required to be included in the portions of the report required under
15 Subsections (f)(1) through (4).

16 (h) Not later than September 1, each year the commission
17 shall make the reports publicly available on the commission's
18 Internet website.

19 (i) Reports made on incidents or violations under this
20 section are not admissible in a civil action. The commission may
21 otherwise take enforcement actions under the commission's
22 authority.

23 SECTION 3. 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 4. 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 5. This Act takes effect September 1, 2019.