88R2783 SHH-D

By:  VanDeaver H.B. No. 427

A BILL TO BE ENTITLED

AN ACT

relating to information required to be provided to the public about planned excavations.

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

SECTION 1.  Section 251.151, Utilities Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

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

(1)  notify a notification center; and

(2)  place at least one temporary sign at or near the excavation site that displays the information required to be included in the notice under Section 251.152.

(d)  An excavator may place a sign described by Subsection (a) only:

(1)  on property the owner of which has consented to the placement;

(2)  on a public highway in a location that does not obstruct traffic; or

(3)  on a street lamp or utility sign, pole, or fixture.

(e)  An excavator may not remove a sign described by Subsection (a) until the excavation is complete.

SECTION 2.  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 Section 251.151:

(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)  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)  a telephone number or e-mail address a person can use to submit questions or complaints concerning the excavation;

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

(8) [~~(7)~~]  a statement as to whether explosives will be used.

SECTION 3.  Section 251.153, Utilities Code, is amended by adding Subsections (d) and (e) to read as follows:

(d)  Not later than 48 hours after the time a notification center receives a notice of intent to excavate from an excavator or from a different notification center, excluding Saturdays, Sundays, and legal holidays, the notification center shall provide to each owner of property in the vicinity of the proposed excavation operation the information provided to the notification center by the excavator under Section 251.152.

(e)  This subsection applies only to an excavation site in a county with a population of less than 100,000. Not later than 48 hours after the time a notification center receives a notice of intent to excavate from an excavator or from a different notification center, excluding Saturdays, Sundays, and legal holidays, the notification center shall provide to the county judge of the county in which the excavation site is located the information provided to the notification center by the excavator under Section 251.152.

SECTION 4.  This Act takes effect September 1, 2023.