

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.

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

3       SECTION 2. Section 251.152, Utilities Code, is amended to  
4 read as follows:

5       Sec. 251.152. INFORMATION INCLUDED IN NOTICE.       The  
6 excavator shall include in the notice required under Section  
7 251.151:

8           (1) the name of the person serving the notice;

9           (2) the location of the proposed area of excavation,  
10 including:

11               (A) the street address, if available, and the  
12 location of the excavation at the street address; or

13               (B) if there is no street address, an accurate  
14 description of the excavation area using any available designations  
15 such as the closest street, road, or intersection;

16           (3) the name, address, and telephone number of the  
17 excavator or the excavator's company;

18           (4) the excavator's field telephone number, if one is  
19 available;

20           (5) a telephone facsimile number, e-mail address, or  
21 another electronic number or address approved by the board to which  
22 an operator may send the notification required by Section  
23 251.157(d);

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

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

1           (8) [~~(7)~~] a statement as to whether explosives will be  
2 used.

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

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

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

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