

By: Capriglione

H.B. No. 2888

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

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

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

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

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

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

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

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

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

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

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

(b) Before January 15 of each year, each ~~a~~ Class A or Class B facility operator shall pay to the corporation a fee of \$50 for 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, 2025.