

BILL ANALYSIS

C.S.H.B. 3004
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for regulations relating to work conducted near high voltage overhead power lines to prevent accidents and damages. However, the bill author has informed the committee that there are ambiguities in defining the responsibilities of those performing work and that current law does not adequately address the increased risks posed by activities conducted in proximity to these lines. C.S.H.B. 3004 seeks to address this issue by clearly defining "responsible persons" performing work, activities, or functions near high voltage overhead lines and to enhance safety protocols by increasing the required clearance for certain activities and structures near overhead lines. Additionally, C.S.H.B. 3004 updates liability provisions to ensure that responsible parties are held accountable for damages resulting from contact with high voltage lines.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3004 amends the Health and Safety Code to revise provisions governing high voltage overhead lines as follows:

- includes in the definition of "overhead line" overhead energized equipment that supports the transmission or distribution of electricity and includes a definition for "electric utility" by reference to its meaning assigned by Public Utility Regulatory Act provisions governing such utilities;
- establishes that a person is considered to be responsible for work, an activity, or a function for purposes of those provisions if the person performs the work, activity, or function; employs, retains, or hires a person to perform work, an activity, or a function, including a contractor or subcontractor; or is an employee, agent, contractor, subcontractor, or independent contractor involved in the work, activity, or function;
- reflects that establishment by updating language in provisions relating to the temporary clearance of lines, restrictions on activities near lines, restrictions on the operation of machinery and placement of structures near lines, and a criminal penalty for violating provisions governing high voltage overhead lines;
- changes the meaning of "authorized person" with respect to a person working on an employer's electrical system from an employee of a light and power company, an electric cooperative, or a municipality working on his employer's electrical system to a person directly or indirectly employed, retained, or hired by an electric cooperative, an electric

utility, or a municipality performing work, an activity, or a function on or near the cooperative's, utility's, or municipality's electrical system, including a high voltage overhead line; and

- exempts from the provisions a vehicle being operated in the normal and reasonable movement of traffic, except as provided by provisions restricting the operation of machinery and the placement of structures near lines.

C.S.H.B. 3004 revises provisions relating to the temporary clearance of high voltage overhead lines as follows:

- authorizes a representative of all the responsible persons to negotiate the mutual arrangement for that temporary work, activity, or function if more than one person is responsible for the work, activity, or function; and
- requires each person responsible for that temporary work, activity, or function to ensure that the applicable statutory requirements are complete before beginning the work, activity, or function.

C.S.H.B. 3004 revises provisions establishing restrictions on activities near high voltage overhead lines as follows:

- clarifies that the restriction on a responsible person performing a function or activity on land, a building, a highway, or other premises if at any time it is possible that the person may move or be placed within, or move any part of specified objects or materials within, a certain distance of such a line unless the person effectively guards against danger by contact with the line as provided by the temporary clearance provisions applies with respect to any work, activity, or function on those premises;
- for both circumstances that trigger that restriction, increases the applicable distance between the person or object and the high voltage overhead line from within six feet of the line to within 10 feet of the line;
- changes the circumstance that triggers the restriction involving the person bringing any part of a tool, equipment, machine, or material within that distance of a high voltage overhead line while performing the function or activity to the person moving any part of an object or material within that distance of such a line while performing the work, activity, or function, regardless of whether the object or material was already within 10 feet of the high voltage overhead line before the work, activity, or function began; and
- includes an agent, subcontractor, or independent contractor among the persons whom a responsible person may not require to perform any prohibited work, activity, or function.

C.S.H.B. 3004 increases from six feet to 10 feet the distance from a high voltage overhead line within which a responsible person is prohibited from doing the following, unless the person effectively guards against danger by contact with the line as provided by provisions relating to the temporary clearance of lines:

- erecting, installing, transporting, or storing all or any part of a house, building, or other structure;
- installing, operating, transporting, handling, or storing all or any part of a tool, machine, or equipment; and
- transporting, handling, or storing all or any part of materials.

The bill also includes among the restricted activities transporting, handling, or storing all or any part of any object within 10 feet of a high voltage overhead line and moving all or any part of any object or materials within that distance.

C.S.H.B. 3004 revises the provision establishing liability for damages from a violation of provisions governing high voltage overhead lines that results in physical or electrical contact with such a line by doing the following:

- specifying that the persons liable to the owner or operator of the line for the applicable damages and liability are all persons responsible for the work, activity, or function and that those persons are jointly and severally liable to the owner or operator;

- specifying that such damages and liability include all defense and indemnification costs; and
- establishing that all such responsible persons are barred from recovery of damages in tort from the owner or operator of the line for any injuries or damages associated with the contact.

C.S.H.B. 3004 amends the Civil Practice and Remedies Code to authorize a person to appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that grants or denies a motion for summary judgment or dismissal based on those Health and Safety Code provisions establishing liability for damages from such a violation.

C.S.H.B. 3004 applies only to a cause of action that accrues on or after the bill's effective date. A cause of action that accrued before the bill's effective date is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3004 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute revise statutory provisions governing high voltage overhead lines with respect to public safety. However, the introduced removed as activities exempted from those provisions the construction, reconstruction, operation, or maintenance by an authorized person of overhead electrical or communication circuits or conductors and their supporting structures and associated equipment that are part of a communication system, whereas the substitute does not.