

By: Gerdes

H.B. No. 1335

A BILL TO BE ENTITLED

AN ACT

relating to underground facility safety.

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

SECTION 1. Section 251.002(13), Utilities Code, is amended to read as follows:

(13) "Underground facility" means a line, cable, pipeline system, conduit, or structure that is located partially or totally underground and that is used to produce, store, convey, transmit, or distribute:

(A) any form of telecommunications service, including voice, data, video, or optical transmissions or cable television service;

(B) electrical energy;

(C) natural or synthetic [~~electricity~~] gas;

(D) petroleum or petroleum products;

(E) [~~]~~ water;

(F) slurry;

(G) [~~]~~ sewage;

(H) [~~]~~ steam; [~~]~~ or

(I) any other material or liquids such as [~~petroleum, petroleum products, or~~] hazardous liquids.

SECTION 2. Section 251.009, Utilities Code, is amended to read as follows:

Sec. 251.009. PROVISION OF GENERAL INFORMATION. At least

1 once each calendar year, at intervals not exceeding 15 months, each
2 [~~Class A underground facility~~] operator who conveys, transmits, or
3 distributes by means of its underground facilities service
4 [~~directly to more than one million residential customers~~] within
5 this state shall provide all of its residential customers in this
6 state general information about excavation activities covered by
7 this chapter and the statewide toll-free telephone number
8 established by the corporation.

9 SECTION 3. Section 251.060, Utilities Code, is amended to
10 read as follows:

11 Sec. 251.060. DUTIES OF CORPORATION. The corporation
12 shall develop and implement processes to:

13 (1) maintain a registration of [~~+~~
14 [~~(A)~~] notification centers as provided by Section
15 251.101(a)(3);

16 [~~(B)~~ operators who elect to convert facilities to
17 Class A facilities under Section 251.005(a), or

18 [~~(C)~~ operators who elect to become Class A
19 underground facility operators under Section 251.005(b),]

20 (2) establish minimum technical standards used by
21 notification centers;

22 (3) establish a statewide toll-free telephone number
23 to be used by excavators that incorporates the use of a call router
24 system that routes calls to the notification centers on a pro rata
25 basis;

26 (4) oversee the bid process and select the vendor for
27 the statewide toll-free telephone number;

- 1 (5) oversee the bid process and select the vendor for
2 the call router system;
- 3 (6) determine before May 1 of each year the
4 cost-sharing between the notification centers of:
 - 5 (A) the toll-free telephone number; and
 - 6 (B) the call router system prescribed by Section
7 [251.102\(4\)](#);
- 8 (7) develop public service announcements to educate
9 the public about statewide one-call notification and its
10 availability;
- 11 (8) establish a format for information transfer among
12 notification centers other than high speed data transmission, if
13 appropriate;
- 14 (9) on a complaint concerning charges, investigate and
15 determine appropriate charges;
- 16 (10) recommend a civil penalty against a notification
17 center that does not meet the requirements of this chapter of not
18 less than \$1,000 or more than \$5,000 for each violation;
- 19 (11) refer the recommended penalty to the attorney
20 general, who shall institute a suit in a court of competent
21 jurisdiction to recover the penalty;
- 22 (12) assist in dispute resolution among notification
23 centers or between a notification center and an operator;
- 24 (13) assist any operator who encounters difficulty in
25 joining a notification center; and
- 26 (14) review and study design standards for the
27 placement of underground facilities throughout this state.

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

3 (b) Before January 15 of each year, each [~~a Class A~~
4 ~~facility~~] operator shall pay to the corporation a fee of \$50 for
5 services to be performed by the corporation during that calendar
6 year. A fee for a part of a year may not be prorated.

7 SECTION 5. Section 251.105(b), Utilities Code, is amended
8 to read as follows:

9 (b) The notification center shall charge an [~~a Class A~~
10 ~~underground facility~~] operator not more than \$1.25 for a call made
11 to the system that affects the operator. The board may increase or
12 decrease the maximum charge only on an affirmative vote of at least
13 two-thirds of the total number of votes entitled to be cast. A
14 notification center may petition the corporation for an increase in
15 the maximum charge and is entitled to the increase on proof that
16 costs exceed the maximum charge.

17 SECTION 6. Sections 251.107(a) and (b), Utilities Code, are
18 amended to read as follows:

19 (a) Each operator [~~of a Class A underground facility~~],
20 including a political subdivision of this state, shall participate
21 in a notification center as a condition of doing business in this
22 state.

23 (b) Each operator [~~of a Class A underground facility~~] shall
24 provide to the notification center:

25 (1) maps or grid locations or other identifiers
26 determined by the operator indicating the location of the
27 operator's underground facilities;

1 (2) the name and telephone number of a contact person
2 or persons; and

3 (3) at least quarterly but, if possible, as those
4 changes occur, information relating to each change in the
5 operator's maps or grid locations or other identifiers or in the
6 person or persons designated as the operator's contact person or
7 persons.

8 SECTION 7. Section 251.157(a), Utilities Code, is amended
9 to read as follows:

10 (a) Each [~~Class A underground facility~~] operator contacted
11 by the notification system shall mark the approximate location of
12 its underground facilities at or near the site of the proposed
13 excavation if the operator believes that marking the location is
14 necessary. The operator shall mark the location not later than:

15 (1) the 48th hour after the time the excavator gives to
16 the notification system notice of intent to excavate, excluding
17 Saturdays, Sundays, and legal holidays;

18 (2) 11:59 a.m. on the Tuesday following a Saturday
19 notification unless the intervening Monday is a holiday;

20 (3) 11:59 a.m. on the Wednesday following a Saturday
21 notification if the intervening Monday is a holiday; or

22 (4) a time agreed to by the operator and the excavator.

23 SECTION 8. Section 251.159(a), Utilities Code, is amended
24 to read as follows:

25 (a) If an excavation operation results in damage to an
26 underground facility, the excavator shall immediately contact the
27 [~~underground facility~~] operator of the facility to report the

1 damage.

2 SECTION 9. Section 251.203(a), Utilities Code, is amended
3 to read as follows:

4 (a) A person commits an offense if:

5 (1) the person without authorization from the owner or
6 operator of the facility intentionally removes, damages, or
7 conceals a marker or sign giving information about the location of
8 an [~~a Class A~~] underground facility; and

9 (2) the marker or sign gives notice of the penalty for
10 intentional removal, damage, or concealment of the marker or sign.

11 SECTION 10. The following provisions of the Utilities Code
12 are repealed:

13 (1) Sections 251.002(1) and (2); and

14 (2) Section 251.005.

15 SECTION 11. This Act takes effect September 1, 2025.