

LATE

HB 1059

kim4 - Elizabeth

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From: Tim Lyons [timlyons@cs.com]
Sent: Sunday, April 05, 2009 6:44 PM
To: WAM Testimony
Subject: hb1059 hd2, sd1 on 4/6/09 at 9:30 am

Follow Up Flag: Follow up
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Relating to the One Call Center

Chair Mercado Kim and Members of the Committee:

I am Tim Lyons, Executive Director of the Hawaii Pest Control Association and we support this bill.

The Center has merit and should be renewed. We have no business being included in the center but we are by definition since all it takes to qualify is to "move dirt". We know of no instances where our members have hit a utility line but occasionally we do hit a sprinkler line; this is not of much consequence and when we do we pay to fix it. The same would happen if we should ever hit a utility line although in over 7000 applications a year, nothing has happened. Our members have not generally complied with this law since it was established two years ago and there have been no reach out, compliance or educational efforts made by anyone.

SD 1 recognizes all of the above and provides for an exemption on a trial basis which we find acceptable.

We support this bill.

Thank you.
Tim Lyons

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WRITTEN ONLY

**TESTIMONY OF CARLITO P. CALIBOSO
CHAIRMAN, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
SENATE COMMITTEE ON WAYS & MEANS
APRIL 6, 2009**

**MEASURE: H.B. No. 1059 H.D.2 S.D.1
TITLE: Relating to the One Call Center.**

Chair Kim and Members of the Committee:

DESCRIPTION:

This bill proposes to amend Act 141, Session Laws of Hawaii 2004 (codified as chapter 269E, Hawaii Revised Statutes ("HRS")), by repealing the current sunset date of June 30, 2009. Chapter 269E, HRS, established the Hawaii One Call Center ("HOCC") which provides advanced warning to excavators of the location of underground facilities prior to commencement of an excavation. In addition, this bill provides an exemption from Chapter 269E, HRS, for any pest control activity regulated under Chapter 460J, HRS.

POSITION:

The Commission strongly supports this Administration bill, however, suggests that the exemption from Chapter 269E, HRS, for pest control activity regulated under Chapter 460J, HRS, should not be included at this time as we can address that in rulemaking.

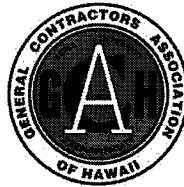
COMMENTS:

- Act 141, Session Laws of Hawaii 2004, required the Commission to establish a state one call center for Hawaii similar to other centers operating throughout the nation, and the first of its kind in this State requiring mandatory participation by both excavators (e.g., contractors) and subsurface facility operators (e.g., public utilities). The One Call Center system provides advanced warning to excavators of the location of underground lines before they begin a dig. This mandatory "Call Before You Dig" program provides excavators with a single phone number to call for locating and marking underground lines, including, but not limited to, lines for electric, gas, telecommunications, cable, water, and sewer facilities.

- In addition to regulating excavation activity, this law is intended to minimize the disruption of service to operator customers, and enhance the safety of excavators.
- On November 15, 2005, the Commission, in agreement with the recommendation of the One Call Center Advisory Committee ("Advisory Committee"), awarded the contract to create and administer the state one call center to One Call Concepts, Inc. (OCC). The center began operations statewide on January 1, 2006.
- By repealing the sunset date at this time, it will allow continued organization of the program to fulfill its mission to serve and protect the people of Hawaii.
- The Commission recommends approaching with caution the creation of an exemption from the law at this time, when the program is still in its early stages of development. Providing an exemption for any group that routinely performs excavations in its operations may relieve pest control operators from the relatively minor task of complying with the HOCC requirement of waiting five (5) days after notifying the HOCC of its intention of excavating. However, we have been informed that incidents have occurred across the nation when what seemingly was a routine, shallow-depth dig severs or damages expensive fiber optic cable, or gas lines, or other subsurface infrastructure and causing economic and/or personal injury.
- The Advisory Committee has been working very hard over the last year to assist the Commission in drafting administrative rules governing activities and operations of the HOCC, and has informed the Commission that it is currently in discussions regarding the issue of shallow-depth digs. We understand that the industry is concerned that shallow digs can result in significant damage to persons or property.

Thank you for the opportunity to testify.

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

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April 6, 2009

TO: THE HONORABLE SENATOR DONNA MERCADO KIM, CHAIR AND
MEMBERS OF COMMITTEE ON WAYS AND MEANS

SUBJECT: H.B. 1059, HD2, SD1, RELATING TO THE ONE CALL CENTER

NOTICE OF DECISION MAKING

DATE: Monday April 6, 2009
TIME: 9:30 a.m.
PLACE: Conference Room 211

Dear Chair Kim and Committee Members:

The General Contractors Association of Hawaii (GCA), an organization comprised of over five hundred and sixty (560) general contractors, subcontractors, and construction related firms, **strongly supports** the passage of H. B. 1059, HD2, SD1, Relating To One Call Center.

Since the enactment of Act, 141, SLH , 2004, the call center has proven to be a exceptionally effective system in aiding contractors and utilities in avoiding potential damage to underground electric, water, sewer, gas lines and other . The system has saved not only disruption of services and inconvenience to the public but has saved the contractors and utilities the high cost of repairs.

The GCA believes the One Call Center has proven its worth and deserves to be made a permanent part of our construction procedure when proposed excavation is contemplated.

The GCA **strongly supports** the passage of H. B. 1059, HD2, SD1, Relating To One Call Center, and recommends that the bill be passed.

Thank you for the opportunity to provide our views on this issue.