

JAN 23 2009

S.B. NO. 198

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# A BILL FOR AN ACT

RELATING TO UTILITIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4                                   "CHAPTER

5   UTILITIES COORDINATING COUNCIL

6           § -1 Utilities coordinating council; establishment. (a)

7 There is established a utilities coordinating council to  
8 coordinate the orderly planning and installation, removal, or  
9 relocation of underground facilities.

10           (b) Notwithstanding section 26-34, the utilities  
11 coordinating council shall consist of:

12           (1) The heads of the following agencies or their  
13 designees:

14                   (A) The department of transportation;

15                   (B) The department of land and natural resources:

16                           (i) Land division; and

17                           (ii) State historic preservation division;



1 (C) The department of health, environmental  
2 management division; and

3 (D) The public utilities commission; and

4 (2) Two representatives from each participating local  
5 utilities coordinating council established under  
6 section -3.

7 (c) The utilities coordinating council shall be placed  
8 within the department of transportation for administrative  
9 purposes.

10 (d) Members of the utilities coordinating council shall:

11 (1) Serve without compensation but shall be reimbursed for  
12 reasonable expenses, including travel expenses,  
13 necessary for the performance of their duties; and

14 (2) Elect a chairperson from the membership.

15 **§ -2 Utilities coordinating council; responsibilities.**

16 (a) The utilities coordinating council shall:

17 (1) Identify national best practices for utility  
18 coordination;

19 (2) Develop and implement a project development process to  
20 coordinate the orderly planning and installation,  
21 removal, or relocation of underground facilities;



- 1 (3) Meet at least quarterly at various locations
- 2 throughout the State;
- 3 (4) Assist and promote the formation of local utility
- 4 coordinating councils;
- 5 (5) Encourage agencies, utilities, contractors, and
- 6 excavators, not already council members, who are in
- 7 any way involved in subsurface disturbance to attend
- 8 local utility coordinating councils meetings; and
- 9 (6) Improve the communication among those involved in
- 10 subsurface disturbance, including agencies, utilities,
- 11 contractors, and excavators.

12 (b) The utilities coordinating council shall submit an  
13 annual report to the legislature no later than twenty days prior  
14 to the convening of each regular session.

15 § -3 Local utilities coordinating councils. (a) Local  
16 utilities coordinating councils may be formed in each county and  
17 consist of representatives of:

- 18 (1) The various county agencies involved in subsurface
- 19 disturbance, including agencies related to
- 20 maintenance, public works, planning, and permitting;
- 21 (2) The gas utility industry;
- 22 (3) The electric utility industry;



- 1 (4) The telecommunications utility industry;
- 2 (5) The pipeline operator industry;
- 3 (6) The cable service industry;
- 4 (7) The General Contractor Association of Hawaii; and
- 5 (8) The Building Industry Association of Hawaii.

6 (b) Members of each local utilities coordinating council

7 shall:

- 8 (1) Serve without compensation; and
- 9 (2) Elect two representatives from the membership to serve
- 10 on the state utilities coordinating council.

11 § -4 Project development process. (a) All public  
12 utilities in the State shall comply with the project development  
13 process.

14 (b) The project development process shall:

- 15 (1) Emphasize early utility identification and
- 16 coordination, including greater utility coordination
- 17 in the design phase;
- 18 (2) Seek to resolve any utility coordination issues before
- 19 construction begins;
- 20 (3) Minimize project delays, construction costs, and
- 21 contractor claims that are associated with subsurface
- 22 disturbance;



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- 1 (4) Clarify the roles and responsibilities of
- 2 stakeholders;
- 3 (5) Provide for the consistent application of procedures;
- 4 and
- 5 (6) Solicit feedback.
- 6 (c) As used in this section, "public utility" has the same
- 7 meaning as that term is defined under section 269-1."

8 SECTION 2. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

Erzanne Chunclalland  
McLean J  
David Y. Ige



**Report Title:**

Utilities; Utilities Coordinating Council

**Description:**

Establishes a utilities coordinating council to coordinate the orderly planning and installation, removal, or relocation of underground facilities.

