

SB 1525

**Measure
Title:**

RELATING TO UTILITIES.

**Report
Title:**

Hawaii One Call Center; Utilities

Description:

Requires operators to notify excavators of the vertical depth of their subsurface installations to the extent and degree of accuracy that the information is available in the operator's records.

Companion:

Package:

None

**Current
Referral:**

CPN

**WRITTEN TESTIMONY OF CARLITO P. CALIBOSO
CHAIRMAN, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION**

FEBRUARY 28, 2011

MEASURE: S.B. No. 1525
TITLE: Relating to Renewable Energy.

Chair Baker and Members of the Committee:

DESCRIPTION:

This bill requires operators to notify excavators of the vertical depth of their subsurface installations to the extent and degree of accuracy that the information is available in the operator's records. The bill does not apply to operators that comply with the law by either 1) advising the excavator that the operator does not have subsurface installations that may be affected by the proposed excavation or 2) locating and field mark their subsurface installations affected by the proposed excavation.

POSITION:

The Public Utilities Commission ("Commission") would like to provide comments on this bill. Members of the Hawaii One Call Advisory Committee have expressed their thoughts to the Commission on this bill and we are relaying them to assist the Committee in its decision-making.

COMMENTS:

Generally, most members are concerned about providing depth information because even where that information may be available, it may no longer be accurate. However, one member expressed some interest in having such information being made available to excavators. The following is a brief compilation of their comments:

- "Most facility records do not contain information regarding depth of cover, especially if the records are old records. In Hawaii, because of erosion, land mass and grading activities, facilities installed with a certain amount of cover may no longer be at that depth. The only accurate method of record keeping is by elevation, not depth of cover, and even then land shifts can affect those

elevations. If the information that would be conveyed to excavators is not accurate, it creates a very serious safety issue. The excavators would get a false sense of safety and thus, the excavators would be put in very dangerous working conditions." ~*Hawaii One Call Center, Building Industry Association, Gas Utility Industry, Water Utilities, Wastewater Utilities, Electric Utility Industry, Cable Service Industry*

- "Within the statute definitions, the locator is given the 30-inch buffer from the center line – not so with depth. And providing say, a 3-foot depth of cover may give an excavator a false sense of security allowing them to believe they don't need to hand-dig. Many incidents in the petroleum industry have been caused by excavators believing they can use the back hoe for just a few more inches or one more scoop. In our view, the excavator should be hand-digging regardless of the depth.

"Finally, there is a major problem with the language. "Advise the excavator of the approximate location of the operator's subsurface installations that may be affected by the excavation, including the depth below the surface of the subsurface installation." "approximate location" in the statute, means "a strip of land not more than thirty inches on either side of the exterior surface of the subsurface installation, and does not refer to depth " I don't believe you can just add the words "including depth below the surface subsurface installation". How can you include depth, when the definition of approximate location when the definition excludes depth? If anything, the language would have to say "in addition" to the "approximate location" or else they need to change the definition.

"What was the justification used for proposing the change? The only reason I can think of that someone would want depth added is to avoid hand-digging until absolutely necessary – not a good practice and one that is begging for a bad outcome." ~*Pipeline Operator's Industry*

- "The purpose of one call is to protect workers and the public. Depth should be indicated when available or if there are other circumstances then operators should advise the excavator. If operators have the information they should share it with the excavator. Why are as built made, if they are not to share the information that is protecting the buried utilities." ~*General Contractors Association*

This Committee should also be aware that the proposed amendment to HRS Section 269E-9 proposed in the bill would appear to be directly contrary to a definition contained in HRS Section 269E-2:

"Approximate location of subsurface installation" means a strip of land not more than thirty inches on either side of the exterior surface of the subsurface installation, and does not refer to the depth of the subsurface installation."

Thank you for the opportunity to testify.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



February 24, 2011

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Manager and Chief Engineer

DEAN A. NAKANO
Deputy Manager

The Honorable Rosalyn H. Baker, Chair
and Members
The Senate
Committee on Commerce and Consumer Protection
State Capitol, Conference Room 229
Honolulu, Hawaii 96813

Dear Chair Baker and Members:

Subject: SENATE BILL 1525 RELATING TO UTILITIES

The Board of Water Supply, City and County of Honolulu (BWS), appreciates the opportunity to provide testimony on Senate Bill 1525, Relating to Utilities.

The BWS does not support S.B. 1525, which requires operators to notify excavators of the vertical depth of their subsurface installations to the extent and degree of accuracy that the information is available in the operator's records, to be included in the "Hawaii One Call Center" process.

The present "Hawaii One Call Center" process was created to provide advance warnings to excavators of the location of subsurface installations in the area of excavation. The primary purpose was to provide horizontal locations of subsurface installations as evidenced by Section 269E-2 (Definitions), Hawaii Revised Statutes, which states that the "approximate location of subsurface installation" means a strip of land not more than thirty inches on either side of the exterior surface of the subsurface installation, and does not refer to the depth of the subsurface installation.

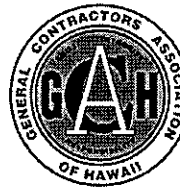
Should vertical location of subsurface installations be needed, the excavator could request and receive this information when they conduct their current practice of obtaining an excavation permit. The vertical location information, if available, would be obtained by utilizing "as built" drawings of the subsurface installation.

In conclusion, we do not support revising the "Hawaii One Call Center" process to include information regarding the depth below the surface of the subsurface installation as proposed by S.B 1525.

Sincerely,

WAYNE M. HASHIRO
Manager and Chief Engineer

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.

February 24, 2011

TO: THE HONORABLE SENATOR ROSALYN H. BAKER, CHAIR AND MEMBERS OF
THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SUBJECT: S.B. 1525, RELATING TO UTILITIES.

NOTICE OF HEARING

DATE: Monday, February 28, 2011
TIME: 10:00a.m.
PLACE: Conference Room 229

Dear Chair Baker and Members of the Committee:

The General Contractors Association (GCA), an organization comprised of over five hundred and eighty (580) general contractors, subcontractors, and construction related firms, **supports** the passage of S.B. 1525, Relating to Utilities.

S.B. 1525 proposes to amend Section 269E09, HRS that established the "One Call" System in 1004.

The changes proposed would require utilities to include not only the location of subsurface installations but also the depth below the surface of the installation. In their notification to excavators who has notified the One Call Center of proposed excavation.

The GCA believes that the information about the depth of utility installation would provide valuable information not currently available to excavators. This additional information should be provided if it is available.

Given the increased undergrounding of utility lines under sidewalks and roadways especially fiber optic cables, the severing of these line could result in major interruption of services and cost hundreds of thousand dollars.

We believe that the proposed amendments are beneficial to all parties especially the general public.

The GCA **supports** the passage of S.B. 1525.

Thank you for the opportunity to comment on this measure.

THE GAS COMPANY

P.O. Box 3000
Honolulu, Hawaii 96802-3000
www.hawaiigas.com

February 24, 2011

To: Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair
Members of the Senate Committee on Commerce & Consumer Protection

Re: **SB 1525 - Relating to Utilities**

Hearing: **Monday, February 28, 2011, 10:00 AM**

Dear Ladies and Gentlemen:

My name is Stephanie Ackerman and I serve as the Vice President of Public Policy & Communications for The Gas Company.

We are respectfully submitting testimony in opposition of SB 1525.

The Gas Company (TGC) does not maintain records of depth information for our subsurface installations. Furthermore, present pipe locating instruments and technology used to determine the field depth of cover are not always accurate. Providing this information to excavators may result in increased third party damage to our pipelines. Lastly, TGC is not aware of any utility in the country that provides depth information as part of the One Call.

For these reasons, we respectfully oppose SB1525. Thank you for your time and consideration in this matter.