

Multiple Agency Fiscal Note Summary

Bill Number: 2409 HB	Title: Safe excavation practices
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Tiffany West, OFM	Phone: (360) 890-2653	Date Published: Final 1/29/2024
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Individual State Agency Fiscal Note

Bill Number: 2409 HB	Title: Safe excavation practices	Agency: 215-Utilities and Transportation Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/25/2024
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/29/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/29/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/29/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: RCW 19.122.020

(13) HARD SURFACE ACKNOWLEDGED – new – adds the definition in outlining excavator’s responsibility to use reasonable care to avoid damage in 19.122.040

(24) POSITIVE RESPONSE - new - requires FO to notify the excavator if there are no underground facilities in the proposed excavation area.

(25) REASONABLE ACCURACY - modify the definition but no substantive change.

Section 2: RCW 19.122.030

(1)(a) WHITE LINING – modification by adding white lining and pin flags as a method of marking the boundaries of excavation.

(1)(b) REMOVE INFEASIBLE – eliminate the exemption for the excavator to not mark the boundary.

(2) FULL DAYS ALSO WRITTEN AGREEMENT TO MISS LOCATE DEADLINE - modify definition by adding the word “full.”

(3)(a) ONLY REQUIRED TO LOCATE WITHIN THE BOUNDARY OF THE WHITE LINED AREA. IF AREA IS CLEAR OF UTILITIES INFORM EXCAVATOR VIA POSITIVE RESPONSE – implementing the positive response definition.

(4)(a) LOCATE DEADLINE IS THE WORK TO BEGIN DATE ON TICKET, NOT DEFAULT 2 BUSINESS DAYS. – modification to existing definition.

Section 3: RCW 19.122.040

(2) WORKING OVER HARD SURFACES – adding responsibility of excavator.

Section 4: RCW 19.122.130

(2)(b) THE SAFETY COMMITTEE WILL NOT REVIEW DOWNTIME OR OTHER CLAIMS DISPUTES BETWEEN FACILITY OPERATORS AND EXCAVATORS. – new provision related to Dig Law Safety Committee’s exemption.

None of these provisions have any expenditure or revenue implication for the UTC. It is possible that the addition “Positive Response” will be an enhancement to compliance of RCW 19.122. However, it is not possible to estimate any impact this potential increase in compliance will have on the agency’s workload.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

None of these provisions have any expenditure or revenue implication for the UTC. The Commission’s workload and investigation activities is not directly impacted by the provisions of the legislation. It is possible that the addition “Positive Response” will be an enhancement to compliance of RCW 19.122. However, it is not possible to estimate any impact this potential increase in compliance will have on the agency’s workload.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2409 HB

Title: Safe excavation practices

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

Cities: All cities would incur training costs necessary to bring operations into compliance.

Counties: Same as above for counties.

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs:

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: Training costs for each jurisdiction.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kristine Williams	Phone: (564) 669-3002	Date: 01/29/2024
Leg. Committee Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/25/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/29/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/29/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This legislation makes technical changes to the underground utility notice to excavate process used by excavators and facility operators when hard surfaces are removed.

Sec. 1 amends RCW 19.122.020 to add the definition of "hard surface" and "positive response."

Sec. 2 amends RCW 19.122.030 to allow excavators to use white lining or pin flags in addition to white paint before excavating. Excavators are no longer required to communicate directly with facility operators if boundary marking is infeasible. This section is further amended to describe when notices must be sent by facility operators.

Sec. 4 of the bill amends RCW 19.122.130 to clarify that the utilities and transportation commission's safety committee does not have the authority to review down time or other claim disputes between excavators and facility operators.

This legislation would take effect 90 days after adjournment of the session in which the bill is passed.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

This legislation would have an indeterminate expenditure impact on local governments.

Local governments would incur costs related to staff training and updating procedures to be in compliance. The Association of Washington Cities (AWC) estimates that these costs would be indeterminate but small.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

This bill would not impact local government revenues.

SOURCES

Association of Washington Cities (AWC)