

AN ACT

relating to safety and inspection requirements for certain utilities that provide electricity.

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

SECTION 1. This Act may be cited as the William Thomas Heath Power Line Safety Act.

SECTION 2. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.010 to read as follows:

Sec. 35.010. COSTS RELATED TO REPORTING ON SAFETY PROCESSES AND INSPECTIONS FOR CERTAIN UTILITIES. (a) This section applies only to a municipally owned utility or electric cooperative that has wholesale transmission rates established by the commission.

(b) Costs incurred by a municipally owned utility or electric cooperative to comply with Section 38.102 shall be recorded as a regulatory asset for timely recovery in wholesale transmission rates established by the commission.

(c) The commission may adopt rules relating to the recording of regulatory assets under this section.

SECTION 3. Subchapter B, Chapter 36, Utilities Code, is amended by adding Section 36.066 to read as follows:

Sec. 36.066. COSTS RELATED TO REPORTING ON SAFETY PROCESSES AND INSPECTIONS FOR CERTAIN UTILITIES. (a) Costs incurred by an electric utility to comply with Section 38.102 shall be recorded as a regulatory asset for timely recovery in rates established by the

1 commission.

2 (b) The commission may adopt rules relating to the recording
3 of regulatory assets under this section.

4 SECTION 4. Section 38.004, Utilities Code, is amended to
5 read as follows:

6 Sec. 38.004. MINIMUM CLEARANCE STANDARD. (a)
7 Notwithstanding any other law, a transmission or distribution line
8 owned by an electric utility or an electric cooperative must be
9 constructed, operated, and maintained, as to clearances, in the
10 manner described by the National Electrical Safety Code Standard
11 ANSI (c)(2), as adopted by the American National Safety Institute
12 and in effect at the time of construction.

13 (b) An electric utility, municipally owned utility, or
14 electric cooperative shall meet the minimum clearance requirements
15 specified in Rule 232 of the National Electrical Safety Code
16 Standard ANSI (c)(2) in the construction of any transmission or
17 distribution line over the following lakes:

- 18 (1) Abilene;
- 19 (2) Alan Henry;
- 20 (3) Alvarado Park;
- 21 (4) Amistad;
- 22 (5) Amon G. Carter;
- 23 (6) Aquilla;
- 24 (7) Arlington;
- 25 (8) Arrowhead;
- 26 (9) Athens;
- 27 (10) Austin;

- 1 (11) Averhoff;
- 2 (12) B. A. Steinhagen;
- 3 (13) Bachman;
- 4 (14) Balmorhea;
- 5 (15) Bardwell;
- 6 (16) Bastrop;
- 7 (17) Baylor Creek;
- 8 (18) Belton;
- 9 (19) Benbrook;
- 10 (20) Big Creek;
- 11 (21) Bob Sandlin;
- 12 (22) Bonham;
- 13 (23) Bonham State Park;
- 14 (24) Brady Creek;
- 15 (25) Brandy Branch;
- 16 (26) Braunig;
- 17 (27) Brazos;
- 18 (28) Bridgeport;
- 19 (29) Brownwood;
- 20 (30) Bryan;
- 21 (31) Bryson;
- 22 (32) Buchanan;
- 23 (33) Buffalo Creek;
- 24 (34) Buffalo Springs;
- 25 (35) Caddo;
- 26 (36) Calaveras;
- 27 (37) Canyon;

- 1 (38) Casa Blanca;
- 2 (39) Cedar Creek;
- 3 (40) Champion Creek;
- 4 (41) Choke Canyon;
- 5 (42) Cisco;
- 6 (43) Cleburne State Park;
- 7 (44) Clyde;
- 8 (45) Coffee Mill;
- 9 (46) Coleman;
- 10 (47) Coletto Creek;
- 11 (48) Colorado City;
- 12 (49) Conroe;
- 13 (50) Cooper;
- 14 (51) Corpus Christi;
- 15 (52) Crook;
- 16 (53) Cypress Springs;
- 17 (54) Daniel;
- 18 (55) Davy Crockett;
- 19 (56) Diversion;
- 20 (57) Dunlap;
- 21 (58) Eagle Mountain;
- 22 (59) E. V. Spence;
- 23 (60) Fairfield;
- 24 (61) Falcon;
- 25 (62) Fayette County;
- 26 (63) Findley;
- 27 (64) Fork;

- 1 (65) Fort Parker State Park;
- 2 (66) Fort Phantom Hill;
- 3 (67) Fryer;
- 4 (68) Georgetown;
- 5 (69) Gibbons Creek;
- 6 (70) Gilmer;
- 7 (71) Gladewater;
- 8 (72) Gonzales;
- 9 (73) Graham;
- 10 (74) Granbury;
- 11 (75) Granger;
- 12 (76) Grapevine;
- 13 (77) Greenbelt;
- 14 (78) Halbert;
- 15 (79) Hawkins;
- 16 (80) Holbrook;
- 17 (81) Hords Creek;
- 18 (82) Houston;
- 19 (83) Houston County;
- 20 (84) Hubbard Creek;
- 21 (85) Inks;
- 22 (86) Jacksboro;
- 23 (87) Jacksonville;
- 24 (88) J. B. Thomas;
- 25 (89) Joe Pool;
- 26 (90) Kemp;
- 27 (91) Kickapoo;

- 1 (92) Kirby;
- 2 (93) Kurth;
- 3 (94) Lady Bird;
- 4 (95) Lake O' The Pines;
- 5 (96) Lavon;
- 6 (97) Leon;
- 7 (98) Lewisville;
- 8 (99) Limestone;
- 9 (100) Livingston;
- 10 (101) Lone Star;
- 11 (102) Lost Creek;
- 12 (103) Lyndon B. Johnson;
- 13 (104) Mackenzie;
- 14 (105) Marble Falls;
- 15 (106) Marine Creek;
- 16 (107) Martin Creek;
- 17 (108) McClellan;
- 18 (109) Medina;
- 19 (110) Meredith;
- 20 (111) Meridian State Park;
- 21 (112) Mexia;
- 22 (113) Mill Creek;
- 23 (114) Millers Creek;
- 24 (115) Mineral Wells;
- 25 (116) Monticello;
- 26 (117) Moss;
- 27 (118) Mountain Creek;

- 1 (119) Muenster;
- 2 (120) Murvaul;
- 3 (121) Nacogdoches;
- 4 (122) Naconiche;
- 5 (123) Nasworthy;
- 6 (124) Navarro Mills;
- 7 (125) New Ballinger;
- 8 (126) Nocona;
- 9 (127) Oak Creek;
- 10 (128) O. C. Fisher;
- 11 (129) O. H. Ivie;
- 12 (130) Palestine;
- 13 (131) Palo Duro;
- 14 (132) Palo Pinto;
- 15 (133) Pat Cleburne;
- 16 (134) Pat Mayse;
- 17 (135) Pinkston;
- 18 (136) Placid;
- 19 (137) Possum Kingdom;
- 20 (138) Proctor;
- 21 (139) Purtis Creek;
- 22 (140) Quitman;
- 23 (141) Raven;
- 24 (142) Ray Hubbard;
- 25 (143) Ray Roberts;
- 26 (144) Red Bluff;
- 27 (145) Richland-Chambers;

- 1 (146) Sam Rayburn;
- 2 (147) Sheldon;
- 3 (148) Somerville;
- 4 (149) Squaw Creek;
- 5 (150) Stamford;
- 6 (151) Stillhouse Hollow;
- 7 (152) Striker;
- 8 (153) Sulphur Springs;
- 9 (154) Sweetwater;
- 10 (155) Tawakoni;
- 11 (156) Texana;
- 12 (157) Texoma;
- 13 (158) Timpson;
- 14 (159) Toledo Bend;
- 15 (160) Tradinghouse Creek;
- 16 (161) Travis;
- 17 (162) Twin Buttes;
- 18 (163) Tyler;
- 19 (164) Waco;
- 20 (165) Walter E. Long;
- 21 (166) Waxahachie;
- 22 (167) Weatherford;
- 23 (168) Welsh;
- 24 (169) Wheeler Branch;
- 25 (170) White River;
- 26 (171) White Rock;
- 27 (172) Whitney;

- 1 (173) Wichita;
- 2 (174) Winnsboro;
- 3 (175) Winters-Elm Creek;
- 4 (176) Wood;
- 5 (177) Worth; and
- 6 (178) Wright Patman.

7 SECTION 5. Subchapter E, Chapter 38, Utilities Code, is
8 amended by adding Section 38.102 to read as follows:

9 Sec. 38.102. REPORTS ON SAFETY PROCESSES AND INSPECTIONS.

10 (a) Each electric utility, municipally owned utility, and electric
11 cooperative that owns or operates overhead transmission or
12 distribution assets shall submit to the commission a report that
13 includes:

14 (1) a summary description of hazard recognition
15 training documents provided by the utility or electric cooperative
16 to its employees related to overhead transmission and distribution
17 facilities; and

18 (2) a summary description of training programs
19 provided to employees by the utility or electric cooperative
20 related to the National Electrical Safety Code for the construction
21 of electric transmission and distribution lines.

22 (b) An electric utility, municipally owned utility, or
23 electric cooperative shall submit an updated report not later than
24 the 30th day after the date the utility or electric cooperative
25 finalizes a material change to a document or program included in a
26 report submitted under Subsection (a).

27 (c) Not later than May 1 every five years, each electric

1 utility, municipally owned utility, and electric cooperative that
2 owns or operates overhead transmission facilities greater than 60
3 kilovolts shall submit to the commission a report for the preceding
4 five-year period ending on December 31 of the preceding calendar
5 year that includes:

6 (1) the percentage of overhead transmission
7 facilities greater than 60 kilovolts inspected for compliance with
8 the National Electrical Safety Code relating to vertical clearance
9 in the reporting period; and

10 (2) the percentage of the overhead transmission
11 facilities greater than 60 kilovolts anticipated to be inspected
12 for compliance with the National Electrical Safety Code relating to
13 vertical clearance during the five-year period beginning on January
14 1 of the year in which the report is submitted.

15 (d) Subject to Subsection (f), not later than May 1 of each
16 year, each electric utility, municipally owned utility, or electric
17 cooperative that owns or operates overhead transmission facilities
18 greater than 60 kilovolts shall submit to the commission a report on
19 the overhead transmission facilities for the preceding calendar
20 year that includes information regarding:

21 (1) the number of identified occurrences of
22 noncompliance with Section 38.004 regarding the vertical clearance
23 requirements of the National Electrical Safety Code for overhead
24 transmission facilities;

25 (2) whether the utility or electric cooperative has
26 actual knowledge that any portion of the utility's or electric
27 cooperative's transmission system is not in compliance with Section

1 38.004 regarding the vertical clearance requirements of the
2 National Electrical Safety Code; and

3 (3) whether the utility or electric cooperative has
4 actual knowledge of any violations of easement agreements with the
5 United States Army Corps of Engineers relating to Section 38.004
6 regarding the vertical clearance requirements of the National
7 Electrical Safety Code for overhead transmission facilities.

8 (e) Subject to Subsection (f), not later than May 1 of each
9 year, each electric utility, municipally owned utility, or electric
10 cooperative that owns or operates overhead transmission facilities
11 greater than 60 kilovolts or distribution facilities greater than 1
12 kilovolt shall submit to the commission a report for the preceding
13 calendar year that includes:

14 (1) the number of fatalities or injuries of
15 individuals other than employees, contractors, or other persons
16 qualified to work in proximity to overhead high voltage lines
17 involving transmission or distribution assets related to
18 noncompliance with the requirements of Section 38.004; and

19 (2) a description of corrective actions taken or
20 planned to prevent the reoccurrence of fatalities or injuries
21 described by Subdivision (1).

22 (f) Violations resulting from, and incidents, fatalities,
23 or injuries attributable to a violation resulting from, a natural
24 disaster, weather event, or man-made act or force outside of a
25 utility's or electric cooperative's control are not required to be
26 included in the portions of the reports required under Subsections
27 (d) and (e).

1 (g) Not later than September 1, each year the commission
2 shall make the reports publicly available on the commission's
3 Internet website.

4 (h) A report, and any required information contained in a
5 report, made on an incident or violation under this section is not
6 admissible in a civil or criminal proceeding against the electric
7 utility, municipally owned utility, or electric cooperative, or the
8 utility's or electric cooperative's employees, directors, or
9 officers. The commission may otherwise take enforcement actions
10 under the commission's authority.

11 SECTION 6. Any electric utility, municipally owned utility,
12 or electric cooperative that owns a transmission or distribution
13 line over a lake listed in Section 38.004(b), Utilities Code, as
14 added by this Act, that is not in compliance on the effective date
15 of this Act with the clearance standards of Rule 232 of the National
16 Electrical Safety Code Standard ANSI (c)(2) in effect at the time
17 the line was constructed shall bring the line into compliance not
18 later than December 31, 2021. Any line over a lake listed in
19 Section 38.004(b), Utilities Code, as added by this Act, that must
20 be rebuilt to comply with this section must be constructed in
21 accordance with the clearance standards of Rule 232 of the National
22 Electrical Safety Code Standard ANSI (c)(2) in effect on the
23 effective date of this Act.

24 SECTION 7. An electric utility, a municipally owned
25 utility, or an electric cooperative required to submit a report
26 under Section 38.102, Utilities Code, as added by this Act, is not
27 required to submit the report until May 1, 2020.

1 SECTION 8. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 4150 was passed by the House on May 3, 2019, by the following vote: Yeas 143, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4150 on May 24, 2019, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4150 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor