Agenda for 2019
Dig Law Stakeholder Workshops
Established by ESHB 1109

(First Workshop: July 31, 2019, 1:00 – 5:00)

• Introductions

• How did we get here, why are we here, and what do we need to accomplish?
  
  o 2018 activity including legislation HB 2979 redline, comments, meeting notes
  
  o 2019 activity: In ESHB 1109 legislature appropriated funds to hire an independent facilitator to move this process forward by:
     Clearly identifying issues
     Moderating meetings
     Providing objective facilitation and negotiation among work group members
     Ensuring participants receive information and guidance so that they respond in a timely manner
     Synthesizing agreements and points under negotiation into a report to the Legislature.

• Identify issues for discussion based on 2015 legislative report, records of 2018/19 activities, and ESHB 1109. Do these remain appropriate issues for discussion?

Issues identified in ESHB 1109:
  
  o How facility operators and excavators schedule meeting times and places;
  o New requirements for marking locatable underground facilities; a definition of "noninvasive methods";
  o The procedures that must take place when an excavator discovers (and may or may not damage) an underground facility;
  o Positive response procedures;
  o Utility identification procedures for newly constructed and replacement underground facilities;
  o Membership composition of the dig law safety committee;
  o Liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements;
  o Ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.
• Identify additional issues that should be discussed.
  o Should amendments to the statute be formulated (reformulated; restated) for presentation to the legislature? If yes, what do we do with them (e.g., include as an appendix to the report this process will produce; put them in bill form and seek a sponsor, as in 2018/19)
  o Should legislature be asked give UTC expanded rulemaking authority? Would this avoid the need for amendments to the statute?

• BREAK

• Discuss issues per Outline for Facilitation

• Next steps:
  o Options for continuing our dialogue
    ▪ Written comments
    ▪ One or more small groups (e.g., the Safety Committee) to engage in focused discussions and develop/refine proposals for consideration by the broader group
  o Dates for 3 future workshops
    ▪ August 27, 2019
    ▪ September 19, 2019
    ▪ TBD

• Draft Report to Legislature:
  o Draft to AGENCY by Nov. 1, 2019
  o Final to AGENCY by Nov. 30, 2019
  o Final to Legislature by December 1, 2019