



**House Consumer Protection, Technology and Utilities Committee
Public Hearing on HB 2189 P.N. 2859**

September 17, 2024

Testimony of:

Mike Kyle, Lancaster Area Sewer Authority, Executive Director, Retired

Good morning, Chairman Matzie, Chairman Marshall, and members of the House Consumer Protection, Technology and Utilities Committee. Thank you for your invitation to provide testimony on HB 2189 P.N. 2859 by Chairman Matzie.

My name is Mike Kyle, and I am testifying on behalf of the Pennsylvania Municipal Authorities Association (PMAA). I am recently retired as Executive Director of the Lancaster Area Sewer Authority (LASA) and currently an officer on the LASA Board. LASA is a public wastewater utility committed to providing unparalleled service to residents and businesses in all our service areas. Founded in 1965 by six incorporating municipalities, LASA is governed by a 7-member Board of Directors and presently serves nine municipalities. LASA is a non-profit, public agency and our activities and services are funded via revenue from our wastewater customers. Our dedicated employees work 24/7 to provide wastewater services to over 40,000 customers, including about 1,400 businesses. LASA is among the ten largest sewer authorities in the Commonwealth.

PMAA represents more than 700 municipal authorities across the Commonwealth, the vast majority of which provide drinking water and wastewater treatment services to more than six million citizens. If you live in Pennsylvania, you are likely within the service area of at least one authority. In addition, PMAA has more than 500 associate members, such as certified public accountants, engineers, and solicitors, who provide services to authorities.

HB 2189 amends the Underground Utility Line Protection Law (PA One Call) to extend the expiring sunset date another seven years as well as make various other changes. Key changes are as follows:

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- Adds, expands and updates definitions
- Further clarifies the duties of designers, excavators, facility owners, and project owners
- Requires designers to submit design ticket notifications to the PA One Call System before preparing construction drawings
- Bolsters the damage prevention committee by increasing its membership and expanding its duties
- Increases compliance orders and administrative penalties for violations

To provide some background, the PA One Call Law includes specific provisions for municipal authorities requiring them to be members of the PA One Call System. As facility owners, they must identify the names of counties and municipalities where their lines are located, provide information about the location of their utility lines, and respond to locate requests through the PA One Call System. Municipal authorities, like other facility owners, can face penalties for non-compliance.

The PA One Call System is governed by a Board of Directors that includes representation from various industries and entities, including municipal authorities. By having strong representation on the PA One Call System Board, municipal authorities can help shape policies and perspectives that protect vital underground infrastructure while serving the needs of their communities. It also ensures that as facility owners, stakeholders in public safety, and partners in education the interests of municipal authorities are considered in the organization's decision-making process and the unique needs and challenges of municipal underground utilities are addressed. Currently, I represent LASA on the PA One Call Board of Directors and also serve as Treasurer.

As noted above, municipal authorities play a crucial role in preventing damage to underground utilities and ensuring public safety during excavation and construction projects. PMAA generally **supports** reauthorization of the PA One Call Law. To underscore our support, PMAA adopted the following resolution as part of our advocacy platform:

Resolution 7-24

RESOLVED. That PMAA work with other stakeholders in the underground utility industry and with the PA General Assembly to negotiate language acceptable to PMAA members and to ensure that the Underground Utility Line Protection Law (PA One Call) is reauthorized before the current law sunsets on December 31, 2024.

Good Samaritan Clause

PMAA supports keeping Section 2(5)(i.1) as it currently exists under Act 50 of 2017. The current printer's number of HB 2189 does just that. However, as negotiations on the bill continue PMAA members would like to emphasize the importance of keeping the Good Samaritan clause intact. The Good Samaritan clause **allows but does not require** facility owners to identify utility lines they do not own without assuming liability. By providing certain protections, facility owners are encouraged to provide more comprehensive information as a courtesy and helpful guide to excavators and property owners as well as contribute to safe excavation practices without exposing themselves to undue legal risk. Please note that **PMAA strongly opposes any attempt to require facility owners to identify lines they do not own or operate.**

For fifty years, the Underground Utility Line Protection Law has saved countless lives and prevented untold damages. PMAA thanks Chairman Matzie, Chairman Marshall, and members of the House Consumer Protection, Technology and Utilities Committee for their continued diligence and dialogue on HB 2189, which would allow this critically important law to continue saving lives and preventing damages to underground utilities.

Again, thank you for the opportunity to testify before you today. I am happy to answer any questions.