

State Corporation Commission

2002 Fiscal Impact Statement

1. Bill Number SB433

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Williams

3. Committee Passed Both Houses

4. Title Underground Utility Damage Prevention Act.

5. Summary/Purpose:

Underground Utility Damage Prevention Act. Creates a procedure for excavators to request a special project notice from the notification center for the purpose of notifying the operators of the excavator's desire to enter into an agreement for locating and protecting the operator's underground utility lines for a specific, unique or long-term project. The measure also exempts hand digging performed by an operator to locate the operator's utility lines in response to a notice of excavation from the notification center, if all reasonable precaution has been taken to protect the underground utility lines, from the provisions of the Underground Utility Damage Prevention Act. The 48-hour waiting period required before an excavator may commence work starts at 7:00 a.m. on the next working day following notice to the notification center, rather than 48 hours after giving notice to the notification center. The extent of an excavator's proposed work is limited to an area that can be excavated within 15 working days beginning 7:00 a.m. on the next working day following notice to the notification center, and the area covered under each notice is limited to one mile. Additional provisions (i) authorized designers who prepared drawings and plans for projects requiring excavation or demolition work to provide the notification center with underground utility line information; (ii) require project owners to provide copies of those portions of the drawings that affect the respective operator with underground utility lines in the project area where received notification from a designer; (iii) establish standards for line locator training; (iv) require operators to make a reasonable attempt to keep records of certain abandoned utility lines; (v) require operators to respond to an emergency notice as soon as possible but no later than three hours from the excavator's call to the notification center; (vi) require plastic or other non-metallic utility lines to be installed so they can be located by the operator; (vii) adopt the American Public Works Association color codes for marking the approximate location of underground utility lines or proposed excavation; (viii) require the notification center to notify excavators of any responses placed on the excavator-operator information exchanges system by a locator by use of facsimile or other mutually acceptable means of automatically transmitting and receiving this information; (ix) requiring excavators who cannot provide the notification center with an acceptable means of automatically transmitting and receiving this information to contact the excavator-operator information exchanges system in order to

determine if any responses to the notice have been recorded; (x) establish procedures for meetings between excavators and operators to discuss the marking of lines; (xi) establish examples of reasonable steps that may be taken by persons making excavations not parallel to an existing underground utility line; (xii) require persons performing excavation or demolition to give the operator or the appropriate regulatory authority, upon request, the number issued by the notification center for that site; (xiii) prohibit excavators from removing an abandoned line without first receiving authorization to do so by the operator; (xiv) prohibit persons, other than designees requesting marking of a site, to request marking through a notification center unless excavation commences within 30 days from the original notification to the center; and (xv) require operators to install underground utility lines at depths required by accepted industry standards established in consultation with the State Corporation Commission (no later than July 1, 2002). Finally, the State Corporation Commission is required to convene a task force to study the operation and effectiveness of certain amendments to the act. The Commission shall report the results of the task force's study to the 2005 Session of the General Assembly.

6. No Fiscal Impact on state agencies

7. Budget amendment necessary: No

8. Fiscal implications: None

9. Specific agency or political subdivisions affected: State Corporation Commission

10. Technical amendment necessary: None

11. Other comments: Senate Bill 433 proposes to make a number of significant changes to the Underground Utility Damage Prevention Act. Its specific ally requires the Commission to adopt additional marking rules and establish a task force in 2004 to study two aspects of the law and submit a report to the 2005 Session of the General Assembly. Any fiscal impacts should be minimal.

Date: 03/19/02 M T

cc: Secretary of Public Safety
Secretary of Commerce and Trade