

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2847

By: Rice

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 142.6, which relates to the Oklahoma Underground Facilities Damage Prevention Act; clarifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 142.6, is amended to read as follows:

Section 142.6 A. Before an excavator shall demolish a structure, discharge any explosive or commence to excavate in a highway, street, alley or other public ground or way, on or near the location of an operator's underground facilities, or a private easement, such excavator shall first notify all operators in the county who have on file with the county clerk a notice pursuant to Section ~~3~~ 142.3 of this ~~act~~ title, and all notification centers who have on file with the county clerk a statement pursuant to Section ~~10~~ 142.10 of this ~~act~~ title, to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition; except that when an excavator has knowledge that an operator does not have underground facilities within the area of the proposed excavation such excavator need not notify such operator of

the proposed excavation; provided however, that such excavator shall be responsible for damage to the underground facilities of an operator that was not so notified. Such notice shall be given no more than ten (10) days nor less than forty-eight (48) hours, excluding Saturdays, Sundays and legal holidays, prior to the commencement of the excavation or demolition.

B. Each operator served with notice in accordance with subsection A ~~above~~ of this section either directly or by notice to a notification center of which such operator is a member or participant, shall, within forty-eight (48) hours after receipt thereof, excluding Saturdays, Sundays and legal holidays, unless otherwise agreed to between the excavator and operator, locate and mark or otherwise provide the approximate location of the underground facilities of the operator in such a manner as to enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavation; provided however, that the operators of a municipally owned water, sewage and communication facility need only notify the excavator within the prescribed period that they have facilities located in or near the proposed area of excavation or demolition, the type of facilities and their approximate location, if known. For the purpose of this act, the approximate location of the underground facilities shall be defined as a strip of land two (2) feet on either side of such underground facilities. Whenever an operator is served with notice of an excavation or demolition and determines that he does not have underground facilities located within the proposed area of excavation or demolition, the operator shall communicate this information to the excavator originating the notice prior to the commencement of such excavation or demolition.

C. The only exception to subsection A of this section shall be when an emergency exists that endangers life, health or property. Under these conditions, excavation operations may begin immediately,

providing reasonable precautions are taken to protect underground facilities. All operators of underground facilities within the area of the emergency must be notified promptly when an emergency requires excavation prior to the location of the underground facilities being marked.

D. Every notice given by an excavator to an operator pursuant to this section or to a notification center pursuant to Section ~~10~~ 142.10 of this ~~act~~ title, shall contain at least the following information:

1. The name of the individual serving such notice;
  2. The location of the proposed area of excavation or demolition;
  3. The name, address and telephone number of the excavator or excavator's company;
  4. The excavator's field telephone number, if one is available;
  5. The type and the extent of the proposed work;
  6. Whether or not the discharging of explosives is anticipated;
- and
7. The date and time when work is to begin.

E. In marking the approximate location of underground facilities, an operator shall follow the standard color coding described herein:

| <u>OPERATOR AND TYPE OF PRODUCT</u>                | <u>SPECIFIC GROUP IDENTIFYING COLOR</u> |
|--|---|
| Electric Power Distribution<br>and Transmission    | Safety Red                              |
| Municipal Electric Systems                         | Safety Red                              |
| Gas Distribution and<br>Transmission               | High Visibility Safety Yellow           |
| Oil Distribution and<br>Transmission               | High Visibility Safety Yellow           |
| Dangerous Materials, Product<br>Lines, Steam Lines | High Visibility Safety Yellow           |

Telephone and Telegraph

Systems

Safety Alert Orange

Police and Fire

Communications

Safety Alert Orange

Cable Television

Safety Alert Orange

Water Systems

Safety Precaution Blue

Slurry Systems

Safety Precaution Blue

Sewer Systems

Safety Green

SECTION 2. This act shall become effective November 1, 1998.

46-2-8747

KSM