

SB 1145

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THE STATE SENATE
Monday, February 18, 2008

Senate Bill No. 1145
As Amended

SENATE BILL NO. 1145 - By: ANDERSON of the Senate and JACKSON of the House.

[public health and safety - underground facilities - notice period - effective date]

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 142.6, as last amended by Section 4, Chapter 362, O.S.L. 2003 (63 O.S. Supp. 2007, 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 geographic area defined by the notification center who have on file with the notification center a notice pursuant to Section 142.3 of this title to determine whether any operators have underground facilities in or near the proposed area of excavation or demolition. When an excavator has knowledge that an operator does not have underground facilities within the area of the proposed excavation, the excavator need not notify the operator of the proposed

1 excavation. However, an excavator shall be responsible for damage
2 to the underground facilities of an operator if the notification
3 center was not notified. Notice shall be given no more than ~~ten~~
4 ~~(10)~~ thirty (30) days nor less than forty-eight (48) hours,
5 excluding Saturdays, Sundays and legal holidays, prior to the
6 commencement of the excavation or demolition.

7 B. Each operator served with notice in accordance with
8 subsection A above either directly or by notice to the notification
9 center shall, within forty-eight (48) hours after receipt of
10 verification from the notification center that the notice has been
11 accepted and acknowledged, excluding Saturdays, Sundays and legal
12 holidays, unless otherwise agreed to between the excavator and
13 operator, locate and mark or otherwise provide the approximate
14 location of the underground facilities of the operator in a manner
15 as to enable the excavator to employ hand-dug test holes to
16 determine the precise location of the underground facilities in
17 advance of excavation. The operators of a municipally owned water,
18 sewage, traffic control, communication facility or any other
19 municipally owned facility need only notify the excavator within the
20 prescribed period that they have facilities located in or near the
21 proposed area of excavation or demolition, the type of facilities
22 and their approximate location, if known. For the purpose of this
23 act, the approximate location of the underground facilities shall be

1 defined as a strip of land two (2) feet on either side of such
2 underground facilities. Whenever an operator is served with notice
3 of an excavation or demolition and determines that he does not have
4 underground facilities located within the proposed area of
5 excavation or demolition, the operator shall communicate this
6 information to the excavator originating the notice prior to the
7 commencement of such excavation or demolition.

8 C. The only exception to subsection A of this section shall be
9 when an emergency exists that endangers life, health or property.
10 Under these conditions, excavation operations may begin immediately,
11 providing reasonable precautions are taken to protect underground
12 facilities. All operators of underground facilities within the area
13 of the emergency must be notified promptly when an emergency
14 requires excavation prior to the location of the underground
15 facilities being marked.

16 D. Every notice given by an excavator to an operator pursuant
17 to this section or to the notification center pursuant to Section
18 142.3 of this title, shall contain at least the following
19 information:

- 20 1. The name of the individual serving such notice;
- 21 2. The location of the proposed area of excavation or
22 demolition;

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

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

11 OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
12 Electric Power Distribution 13 and Transmission	Safety Red
14 Municipal Electric Systems	Safety Red
15 Gas Distribution and 16 Transmission	High Visibility Safety Yellow
17 Oil Distribution and 18 Transmission	High Visibility Safety Yellow
19 Dangerous Materials, Product 20 Lines, Steam Lines	High Visibility Safety Yellow
21 Telephone and Telegraph Systems	Safety Alert Orange
22 Police and Fire Communications	Safety Alert Orange
23 Cable Television	Safety Alert Orange

1 Water Systems Safety Precaution Blue
2 Slurry Systems Safety Precaution Blue
3 Sewer Systems Safety Green

4 SECTION 2. This act shall become effective November 1, 2008.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
6 dated 2-12-08 - DO PASS, As Amended and Coauthored.