

1 ENGROSSED SENATE
2 BILL NO. 1225

By: Allen of the Senate

3 and

4 O'Donnell of the House
5
6

7 An Act relating to the Oklahoma Underground
8 Facilities Damage Prevention Act; amending 63 O.S.
9 2011, Sections 142.2, as last amended by Section 1,
10 Chapter 148, O.S.L. 2019 (63 O.S. Supp. 2019, Section
11 142.2), 142.6, as last amended by Section 2, Chapter
12 148, O.S.L. 2019 (63 O.S. Supp. 2019, Section 142.6),
13 and 142.10, which relate to definitions, notice of
14 proposed demolition, explosion or excavation, and
15 statewide notification center; modifying definitions;
16 specifying limits on area of proposed work provided
17 per notification; updating statutory reference;
18 authorizing public agencies to have access to certain
19 records by statewide notification center; and
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.2, as
23 last amended by Section 1, Chapter 148, O.S.L. 2019 (63 O.S. Supp.
24 2019, Section 142.2), is amended to read as follows:

Section 142.2. As used in the Oklahoma Underground Facilities
Damage Prevention Act:

1. "Certified project" means a project where the public agency
responsible for the public project, in consultation with the
statewide one-call notification center, as part of its procedure,

1 certifies that the project right-of-way is free and clear of
2 underground facilities or wherein the public agency responsible for
3 such project, as part of its procedure, notifies all persons
4 determined by the public agency to have underground facilities
5 located within the construction right-of-way and certifies that all
6 known underground facilities are duly located or noted on the
7 engineering drawings for the project;

8 2. "Damage" means any impact upon or removal of support from an
9 underground facility as a result of explosion, excavation or
10 demolition which according to the operating practices of the
11 operator of the underground facilities would necessitate the repair
12 thereof;

13 3. "Demolish" means to wreck, raze, render, move or remove a
14 structure by means of any equipment or explosive;

15 4. "Demolition" means the act or operation of demolishing a
16 structure;

17 5. "Excavate" means to dig, compress or remove earth, rock or
18 other materials in or on the ground by use of mechanized equipment
19 or blasting, including, but not necessarily limited to, augering,
20 boring, backfilling, drilling, grading, pile driving, plowing in,
21 pulling in, trenching, tunneling and plowing; provided, however,
22 that neither:
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- a. the moving of earth by tools manipulated only by human or animal power, except in a private or public easement or right-of-way, nor
- b. any form of cultivation for agricultural purposes, nor any augering, dozing by noncommercial dozer operators or digging for postholes, farm ponds, land clearing or other normal agricultural purposes, nor
- c. routine maintenance, nor
- d. work by a public agency or its contractors on a preengineered project, nor
- e. work on a certified project, nor
- f. work on a permitted project, nor
- g. the opening of a grave in a cemetery, nor
- h. a solid waste disposal site which is a preengineered project, nor
- i. any individual excavating on his or her own property and who is not in the excavating business for hire, except in a private or public easement or right-of-way,

shall be deemed excavation;

6. "Excavation" means the act or operation of excavating;

7. "Excavator" means a person or public agency that intends to excavate or demolish within the State of Oklahoma;

1 8. "Notification center" means the statewide center currently
2 known as the Oklahoma One-Call System, Inc., which has as one of its
3 purposes to receive notification of planned excavation and
4 demolition in a specified area from excavators, and to disseminate
5 such notification of planned excavation or demolition to operators
6 who are members and participants;

7 9. "Operator" shall mean and include any person or public
8 agency owning or operating underground facilities;

9 10. "Permitted project" means a project where a permit for the
10 work to be performed must be issued by a state or federal agency
11 and, as a prerequisite to receiving such permit, the applicant must
12 locate all underground facilities in the area of the work and in the
13 vicinity of any blasting and notify each owner of such underground
14 facilities;

15 11. "Person" includes any individual, partnership, corporation,
16 association, cooperative, trust or other entity, including a person
17 engaged as a contractor by a public agency, but not including a
18 public agency;

19 12. "Preengineered project" means a public project wherein the
20 public agency responsible for such project, as part of its
21 engineering and contract procedures, holds a meeting prior to the
22 commencement of any construction work on such project in which all
23 persons, determined by the public agency, in consultation with the
24 statewide one-call notification center, to have underground

1 facilities located within the construction area of the project, are
2 invited to attend and given an opportunity to verify or inform the
3 public agency of the location of their underground facilities, if
4 any, within the construction area and where the location of all
5 known underground facilities are duly located or noted on the
6 engineering drawing and specifications for the project;

7 13. "Public agency" means the state or any board, commission or
8 agency of the state;

9 14. "Routine maintenance" means the grading of roads and barrow
10 or drainage ditches, the removal and replacement of pavement,
11 including excavation relating thereto and the installation and
12 maintenance of drainage and bridge facilities, signs, guardrails,
13 and electrical and communications facilities in or on the public
14 rights-of-way by a public agency; and

15 15. "Underground facility" means any underground line, cable,
16 facility, system and appurtenances thereto, for producing, storing,
17 conveying, transmitting or distributing communication (including
18 voice, video, or data information), electricity, power, light, heat,
19 intrastate and interstate gas pipelines, as described in 49 CFR Part
20 192.1, intrastate and interstate hazardous liquid or carbon dioxide
21 pipelines, as described in 49 CFR Part 195.1, water (including storm
22 water), steam, sewage and other commodities and any oil and gas
23 pipeline located in a public right-of-way.

1 SECTION 2. AMENDATORY 63 O.S. 2011, Section 142.6, as
2 last amended by Section 2, Chapter 148, O.S.L. 2019 (63 O.S. Supp.
3 2019, Section 142.6), is amended to read as follows:

4 Section 142.6. A. Before an excavator shall demolish a
5 structure, discharge any explosive or commence to excavate in a
6 highway, street, alley or other public ground or way, on or near the
7 location of an operator's underground facilities, or a private
8 easement, such excavator shall first notify all operators in the
9 geographic area defined by the notification center who have on file
10 with the notification center a notice pursuant to Section 142.3 of
11 this title to determine whether any operators have underground
12 facilities in or near the proposed area of excavation or demolition.
13 When an excavator has knowledge that an operator does not have
14 underground facilities within the area of the proposed excavation,
15 the excavator need not notify the operator of the proposed
16 excavation. However, an excavator shall be responsible for damage
17 to the underground facilities of an operator if the notification
18 center was not notified. Notice shall be given no more than ten
19 (10) days nor less than forty-eight (48) hours, excluding the date
20 of notification, Saturdays, Sundays and legal holidays, prior to the
21 commencement of the excavation or demolition.

22 B. Each operator served with notice in accordance with
23 subsection A of this section either directly or by notice to the
24 notification center shall, prior to the date and time work is

1 scheduled to begin, unless otherwise agreed to between the excavator
2 and operator, locate and mark or otherwise provide the approximate
3 location of the underground facilities of the operator in a manner
4 as to enable the excavator to employ hand-dug test holes to
5 determine the precise location of the underground facilities in
6 advance of excavation. For the purpose of ~~this act~~ the Oklahoma
7 Underground Facilities Damage Prevention Act, the approximate
8 location of the underground facilities shall be defined as a strip
9 of land two (2) feet on either side of such underground facilities.
10 Whenever an operator is served with notice of an excavation or
11 demolition and determines that the operator does not have
12 underground facilities located within the proposed area of
13 excavation or demolition, the operator shall communicate this
14 information to the excavator originating the notice prior to the
15 commencement of such excavation or demolition.

16 C. The only exception to subsection A of this section shall be
17 when an emergency exists that endangers life, health or property.
18 Under these conditions, excavation operations may begin immediately,
19 providing reasonable precautions are taken to protect underground
20 facilities. All operators of underground facilities within the area
21 of the emergency must be notified promptly when an emergency
22 requires excavation prior to the location of the underground
23 facilities being marked.

1 D. Every notice given by an excavator to an operator pursuant
2 to this section or to the notification center pursuant to Section
3 142.3 of this title shall contain at least the following
4 information:

- 5 1. The name of the individual serving such notice;
- 6 2. The location of the proposed area of excavation or
7 demolition;
- 8 3. The name, address and telephone number of the excavator or
9 excavator's company;
- 10 4. The excavator's field telephone number, if one is available;
- 11 5. The type and the extent, not to exceed five hundred (500)
12 linear feet in incorporated areas or one linear mile in
13 unincorporated areas, of the proposed work;
- 14 6. Whether or not the discharging of explosives is anticipated;
15 and
- 16 7. The date and time when work is to begin.

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

20 OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
21 Electric Power Distribution	
22 and Transmission	Safety Red
23 Municipal Electric Systems	Safety Red
24	

1	Gas Distribution and	
2	Transmission	High Visibility Safety Yellow
3	Oil Distribution and	
4	Transmission	High Visibility Safety Yellow
5	Dangerous Materials, Product	
6	Lines, Steam Lines	High Visibility Safety Yellow
7	Telephone and Telegraph	
8	Systems	Safety Alert Orange
9	Police and Fire	
10	Communications	Safety Alert Orange
11	Cable Television	Safety Alert Orange
12	Water Systems	Safety Precaution Blue
13	Slurry Systems	Safety Precaution Blue
14	Sewer Systems	Safety Green
15	SECTION 3. AMENDATORY 63 O.S. 2011, Section 142.10, is	
16	amended to read as follows:	
17	Section 142.10. A. This act recognizes the value of and	
18	authorizes the establishment of a statewide notification center.	
19	B. Upon establishment, the notification center shall operate	
20	twenty-four (24) hours a day, seven (7) days a week. Notification,	
21	as required by Section 142.6 of this title, to operators who are	
22	members of or participants in the notification center, shall be	
23	given by notifying the notification center by telephone or other	
24		

1 acceptable means of communication, the content of such notification
2 to conform to Section 142.6 of this title.

3 C. All operators who have underground facilities within the
4 defined geographical boundary of the notification center shall be
5 afforded the opportunity to become a member of the notification
6 center on the same terms as the original members. Others may
7 participate as nonmembers on terms and conditions as the members
8 deem appropriate.

9 D. A suitable record shall be maintained by the notification
10 center to document the receipt of the notices from excavators as
11 required by this act.

12 Public agencies, as defined in this act, shall have access to
13 the record of underground facilities.

14 SECTION 4. This act shall become effective November 1, 2020.

15 Passed the Senate the 3rd day of March, 2020.

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17 _____
18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2020.

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22 _____
23 Presiding Officer of the House
24 of Representatives