

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 355

By: Gollihare

AS INTRODUCED

An Act relating to the Oklahoma Underground Facilities Damage Prevention Act; amending 63 O.S. 2021, Section 142.2, as last amended by Section 1, Chapter 118, O.S.L. 2024 (63 O.S. Supp. 2024, Section 142.2), which relates to definitions; modifying definition; updating statutory language; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 142.2, as last amended by Section 1, Chapter 118, O.S.L. 2024 (63 O.S. Supp. 2024, 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, certifies that the project right-of-way is free and clear of underground facilities or wherein the public agency responsible for such project, as part of its procedure, notifies all persons

1 determined by the public agency to have underground facilities  
2 located within the construction right-of-way and certifies that all  
3 known underground facilities are duly located or noted on the  
4 engineering drawings for the project;

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

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

12 4. "Demolition" means the act or operation of demolishing a  
13 structure;

14 5. "Excavate" means to dig, compress, or remove earth, rock, or  
15 other materials in or on the ground by use of mechanized equipment  
16 or blasting, including, but not necessarily limited to, augering,  
17 boring, backfilling, drilling, grading, pile driving, plowing in,  
18 pulling in, trenching, tunneling, and plowing; provided, however,  
19 that neither:

20 a. the moving of earth by tools manipulated only by human  
21 or animal power, except in a private or public  
22 easement or right-of-way,

23 b. the moving of earth by tools manipulated only by human  
24 power for burying communication lines of a

1 communications provider in a private or public  
2 easement or right-of-way when depth is not greater  
3 than twelve (12) inches and within twelve (12) inches  
4 of a communications provider terminal,

5 c. any form of cultivation for agricultural purposes, nor  
6 any augering, dozing by noncommercial dozer operators,  
7 or digging for postholes, farm ponds, land clearing,  
8 or other normal agricultural purposes,

9 d. routine maintenance,

10 e. work by a public agency or its contractors on a  
11 preengineered project,

12 f. work on a certified project,

13 g. work on a permitted project,

14 h. the opening of a grave in a cemetery,

15 i. a solid waste disposal site which is a preengineered  
16 project, nor

17 j. any individual excavating on his or her own property  
18 and who is not in the excavating business for hire,  
19 except in a private or public easement or right-of-  
20 way,

21 shall be deemed excavation;

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

23 7. "Excavator" means a person or public agency that intends to  
24 excavate or demolish within this state;

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~~ this state, ~~or~~ any board,  
8 commission, or agency of the this state, or a county of this 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;

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~~  
20 C.F.R., Part 192.1, intrastate and interstate hazardous liquid or  
21 carbon dioxide pipelines, as described in 49 ~~CFR~~ C.F.R., Part 195.1,  
22 water (including storm water), steam, sewage, and other commodities,  
23 and any oil and gas pipeline located in a private or public easement  
24 or right-of-way;

1        16. "Design" or "survey" means a notice to facility operators  
2 to provide underground facility information during the design or  
3 engineering phase of a project to mitigate potential impact to  
4 existing underground facilities;

5        17. "Watch and protect" means an operator or its designated  
6 representative is present to observe an excavation within ten (10)  
7 feet of the operator's marking of its existing underground facility;

8        18. "Pre-excavation meeting request" means a notice to  
9 underground facility operators to participate in scheduled meetings  
10 for the purpose of planning large projects and coordinate resources  
11 accordingly; and

12        19. "Large projects" are those excavation projects that involve  
13 one of the following:

- 14            a. exceeds distances defined in paragraph 5 of subsection  
15                D of Section 142.6 of this title, or  
16            b. estimated duration is more than ninety (90) days.

17        SECTION 2. This act shall become effective November 1, 2025.  
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