

**Chapter 097**  
**2014 -- S 2450 SUBSTITUTE A**  
**Enacted 06/16/14**

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES

Introduced By: Senator William A. Walaska

Date Introduced: February 27, 2014

It is enacted by the General Assembly as follows:

SECTION 1. Sections 39-1.2-5 and 39-1.2-11 of the General Laws in Chapter 39-1.2 entitled "Excavation Near Underground Utility Facilities" are hereby amended to read as follows:

**39-1.2-5. Notice of excavation.** -- Except as provided in section 39-1.2-9, any person, public agency or public utility responsible for excavating within one hundred feet (100') or for discharging explosives within one hundred feet (100') of a public utility facility shall notify the association of the proposed excavation or discharge ~~by telephone~~ at least seventy-two (72) hours, excluding Saturdays, Sundays, and holidays, but not more than thirty (30) days before commencing the excavation or discharge of explosives. Actual excavation must thereupon commence within thirty (30) days and be completed within sixty (60) days, including Saturdays, Sundays and holidays, or the excavator must renotify the association. Each public utility shall, upon receipt of each notice of excavation, mark within seventy-two (72) hours or, where applicable in accordance with section 39-1.2-12, re-mark within forty-eight (48) hours, the location of all underground facilities.

(b) Each excavator shall provide a description of the excavation location which shall include:

(1) The name of the city or town where the excavation will take place;

(2) The name of the street, way or route number where appropriate;

(3) The name of the streets at the nearest intersection to the excavation;

(4) The numbered address of buildings closest to the excavation; and/or

(5) Any other description which will accurately define the excavation location, including landmarks and utility pole numbers.

(c) If an excavator determines that a public utility facility has been mismarked, the excavator may notify the association and the appropriate public utility shall remark no later than three (3) hours after receipt of notification from the association. The failure to mark or re-mark the location of all underground facilities upon each notice of excavation shall constitute a separate violation of this chapter. Where an excavation is to be made by a contractor as part of the work required by a contract with the state or with any political subdivision thereof or other public agency, for the construction, reconstruction, relocation, or improvement of a public way or for the installation of a railway track, conduit, sewer, or water main, the contractor shall be deemed to have complied with the requirements of this section by giving one such notice as required by this section except, when unanticipated obstructions are encountered, setting forth the location and the approximate time required to perform the work involved to the association. In addition, the initial notice shall indicate whether the excavation is anticipated to involve blasting and if so, the date on which and specific location at which the blasting is to occur. If after the commencement of an excavation, it is found there is an unanticipated obstruction requiring blasting, the excavator shall give at least four (4) hours notice to the association before commencing the blasting. When demolition of a building containing a public utility facility is proposed, the public utility or utilities involved will be given written notice by registered mail at least ten (10) days prior to the commencement of the demolition of the building. All notices shall include the name, address, and telephone number of the entity giving notice, the name of the person, public agency, or public utility performing the work, and the commencement date and proposed type of excavation, demolition, or discharge of explosives. The association shall immediately transmit the information to the public utilities whose facilities may be affected. An adequate record shall be maintained by the association to document compliance with the requirements of this chapter.

**39-1.2-11. Damage -- Notice to public utility.** -- (a) Upon the occurrence of any contact with or damage to any pipe, cable or its protective coating, or any other underground facility of a public utility, the ~~association~~ appropriate and/or affected public utility shall be notified immediately by the person or public agency responsible for the operation causing the contact or damage prior to back filling the excavation. Upon the receipt of the notice, the public utility shall immediately dispatch personnel to the subject location to effect temporary or permanent repair of the damage. Under no circumstances shall the

excavator back fill or conceal the damaged area until the public utility arrives at the subject location. Upon the occurrence of a serious electrical short, or the escape of dangerous fluids or gases from a broken line, the person or public agency responsible for the operations causing the damage shall evacuate the immediate area while awaiting the arrival of the public utility personnel.

(b) Any person, public agency, or public utility shall report all suspected violations of this chapter to the division of public utilities within thirty (30) days after learning of the circumstances constituting the suspected violation.

SECTION 2. This act shall take effect on July 1, 2014.

=====

LC004259/SUB A

=====