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LC004259/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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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

Referred To: Senate Commerce

(Division of Public Utilities and Carriers)

It is enacted by the General Assembly as follows:

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

3 **39-1.2-5. Notice of excavation.** – (a) Except as provided in ~~section~~ §39-1.2-9, any
4 person, public agency, or public utility responsible for excavating within one hundred feet (100')
5 or for discharging explosives within one hundred feet (100') of a public utility facility shall notify
6 the association of the proposed excavation or discharge ~~by telephone~~ at least seventy-two (72)
7 hours, excluding Saturdays, Sundays, and holidays, but not more than thirty (30) days before
8 commencing the excavation or discharge of explosives. Actual excavation must thereupon
9 commence within thirty (30) days and be completed within sixty (60) days, including Saturdays,
10 Sundays, and holidays, or the excavator must renotify the association. Each public utility shall,
11 upon receipt of each notice of excavation, mark within seventy-two (72) hours or, where
12 applicable in accordance with ~~section~~ §39-1.2-12, re-mark within forty-eight (48) hours, the
13 location of all underground facilities.

14 **(b) Each excavator shall provide a description of the excavation location that shall**
15 **include:**

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

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

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

- 1 (4) The numbered address of buildings closest to the excavation; and
2 (5) Any other description that will accurately define the excavation location, including
3 landmarks and utility pole numbers.

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

27 **39-1.2-11. Damage -- Notice to public utility.** – (a) Upon the occurrence of any contact
28 with, or damage to, any pipe, cable, or its protective coating, or any other underground facility of
29 a public utility, the ~~association~~ appropriate and/or affected public utility shall be notified
30 immediately by the person or public agency responsible for the operation causing the contact or
31 damage prior to backfilling the excavation. Upon the receipt of the notice, the public utility shall
32 immediately dispatch personnel to the subject location to effect temporary or permanent repair of
33 the damage. Under no circumstances shall the excavator backfill or conceal the damaged area
34 until the public utility arrives at the subject location. Upon the occurrence of a serious electrical

1 short, or the escape of dangerous fluids or gases from a broken line, the person or public agency
2 responsible for the operations causing the damage shall evacuate the immediate area while
3 awaiting the arrival of the public utility personnel.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require those persons, public agencies or public utilities responsible for
2 excavating within one hundred feet (100') or for discharging explosives within one hundred feet
3 (100') of a public utility facility, who are already obligated to give timely and compliant notice to
4 the public utility association of said planned activity (otherwise referred to as "calling in for a
5 DigSafe ticket"), provide greater specificity when describing or defining the excavation/worksite
6 location.

7 This act would also expand the reporting obligations when underground facilities of a
8 public utility or any pipe, cable or its protective coating have been damaged.

9 This act would take effect on July 1, 2014.

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