

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2028

By: O'Donnell

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 142.6, as last amended by
9 Section 2, Chapter 65, O.S.L. 2020 (63 O.S. Supp.
10 2020, Section 142.6), which relates to notice of
11 proposed demolition, explosion or excavation;
12 requiring notice and marking of facilities in certain
13 situations; providing for states of emergency;
14 removing exception; requiring maintenance and
15 preservation of marks; requiring certain notice if
16 marks become invisible or are removed; amending 63
17 O.S. 2011, Section 142.9, as amended by Section 2,
18 Chapter 192, O.S.L. 2017 (63 O.S. Supp. 2020, Section
19 142.9), which relates to damage to underground
20 facilities; requiring certain notice when damage
21 occurs; amending 63 O.S. 2011, Section 142.10, as
22 amended by Section 3, Chapter 65, O.S.L. 2020 (63
23 O.S. Supp. 2020, Section 142.10), which relates to
24 the statewide notification center; requiring
participation by certain entities; requiring certain
documentation; repealing 63 O.S. 2011, Section
142.11, which relates to exemptions; and providing an
effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 142.6, as
last amended by Section 2, Chapter 65, O.S.L. 2020 (63 O.S. Supp.
2020, Section 142.6), is amended to read as follows:

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

1 of this subsection shall be inapplicable and such excavation or
2 demolition shall not commence until the notification center has
3 provided a positive response regarding facility locations.

4 B. Each operator served with notice in accordance with
5 subsection A of this section either directly or by notice to the
6 notification center shall, prior to the date and time work is
7 scheduled to begin, ~~unless otherwise agreed to between the excavator~~
8 ~~and operator,~~ locate and mark or otherwise provide the approximate
9 location of the underground facilities of the operator in a manner
10 as to enable the excavator to employ hand-dug test holes to
11 determine the precise location of the underground facilities in
12 advance of excavation. The excavator shall maintain and preserve
13 all marks for the duration of the excavation or demolition and shall
14 notify the notification center if such marks are no longer visible
15 or are removed. For the purpose of the Oklahoma Underground
16 Facilities Damage Prevention Act, the approximate location of the
17 underground facilities shall be defined as a strip of land two (2)
18 feet on either side of such underground facilities. Whenever an
19 operator is served with notice of an excavation or demolition and
20 determines that the operator does not have underground facilities
21 located within the proposed area of excavation or demolition, the
22 operator shall communicate this information to the excavator
23 originating the notice prior to the commencement of such excavation
24 or demolition.

1 C. The only exception to subsection A of this section shall be
2 when an emergency exists that endangers life, health or property.
3 Under these conditions, excavation operations may begin immediately,
4 providing reasonable precautions are taken to protect underground
5 facilities. All operators of underground facilities within the area
6 of the emergency must be notified promptly when an emergency
7 requires excavation prior to the location of the underground
8 facilities being marked.

9 D. Every notice given by an excavator to an operator pursuant
10 to this section or to the notification center pursuant to Section
11 142.3 of this title shall contain at least the following
12 information:

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

1 E. In marking the approximate location of underground
 2 facilities, an operator shall follow the standard color coding
 3 described herein:

OPERATOR AND TYPE OF PRODUCT	SPECIFIC GROUP IDENTIFYING COLOR
5 Electric Power	
6 Distribution and	
7 Transmission.....	Safety Red
8 Municipal Electric Systems.....	Safety Red
9 Gas Distribution and	
10 Transmission.....	High Visibility Safety Yellow
11 Oil Distribution and	
12 Transmission.....	High Visibility Safety Yellow
13 Dangerous Materials, Product	
14 Lines, Steam Lines.....	High Visibility Safety Yellow
15 Telephone and Telegraph	
16 Systems.....	Safety Alert Orange
17 Police and Fire	
18 Communications.....	Safety Alert Orange
19 Cable Television.....	Safety Alert Orange
20 Water Systems.....	Safety Precaution Blue
21 Slurry Systems.....	Safety Precaution Blue
22 Sewer Systems.....	Safety Green

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1 SECTION 2. AMENDATORY 63 O.S. 2011, Section 142.9, as
2 amended by Section 2, Chapter 192, O.S.L. 2017 (63 O.S. Supp. 2020,
3 Section 142.9), is amended to read as follows:

4 Section 142.9 A. When any damage occurs to an underground
5 facility or its protective covering, the operator thereof and the
6 notification center shall be notified immediately by any person who
7 caused the damage.

8 B. Upon receiving notice of such damage, the operator shall
9 promptly dispatch personnel to the location to effect temporary or
10 permanent repairs.

11 C. Should damage occur that endangers life, health or property,
12 the excavator responsible for the work shall keep all sources of
13 ignition away from the damaged area and shall take immediate action
14 to protect the public and property and to minimize the hazard until
15 arrival of the operator's personnel or until the appropriate police
16 or fire officials shall have arrived and taken charge of the damaged
17 area.

18 D. An excavator shall delay any backfilling in the immediate
19 area of the damaged underground facilities until the damage has been
20 repaired, unless the operator authorizes otherwise. The repair of
21 such damage must be performed by the operator or by qualified
22 personnel authorized by the operator.

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1 SECTION 3. AMENDATORY 63 O.S. 2011, Section 142.10, as
2 amended by Section 3, Chapter 65, O.S.L. 2020 (63 O.S. Supp. 2020,
3 Section 142.10), is amended to read as follows:

4 Section 142.10 A. This act recognizes the value of and
5 authorizes the establishment of a statewide notification center.

6 B. Upon establishment, the notification center shall operate
7 twenty-four (24) hours a day, seven (7) days a week. Notification,
8 as required by Section 142.6 of this title, to operators who are
9 members of or participants in the notification center, shall be
10 given by notifying the notification center by telephone or other
11 acceptable means of communication, the content of such notification
12 to conform to Section 142.6 of this title.

13 C. All operators who have underground facilities within the
14 defined geographical boundary of the notification center shall be
15 ~~afforded the opportunity to~~ required to become ~~a member~~ members of
16 the notification center ~~on the same terms as the original members.~~
17 ~~Others may participate as nonmembers on terms and conditions as the~~
18 ~~members deem appropriate.~~

19 D. A suitable record shall be maintained by the notification
20 center to document the receipt of the notices from excavators as
21 required by this act and to document members' responses to
22 excavators' notifications.

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

1 SECTION 4. REPEALER 63 O.S. 2011, Section 142.11, is
2 hereby repealed.

3 SECTION 5. This act shall become effective November 1, 2021.

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