

SECOND REGULAR SESSION

HOUSE BILL NO. 1430

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (30).

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D. ADAM CRUMBLISS, Chief Clerk

3802L.02I

AN ACT

To repeal section 319.015, RSMo, and to enact in lieu thereof one new section relating to excavation requirements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 319.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 319.015, to read as follows:

319.015. For the purposes of sections 319.010 to 319.050, the following terms mean:

- (1) "Approximate location", a strip of land not wider than the width of the underground facility plus [two feet] **one foot** on either side thereof. In situations where reinforced concrete, multiplicity of adjacent facilities or other unusual specified conditions interfere with location attempts, the owner or operator shall designate to the best of his or her ability an approximate location of greater width;
- (2) "Excavation", any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, backfilling, grading, trenching, digging, ditching, drilling, well-drilling, augering, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures, except that, the use of mechanized tools and equipment to break and remove pavement and masonry down only to the depth of such pavement or masonry, the use of high-velocity air to disintegrate and suction to remove earth, rock and other materials, and the tilling of soil for agricultural or seeding purposes shall not be deemed

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 excavation. Backfilling or moving earth on the ground in connection with other excavation
16 operations at the same site shall not be deemed separate instances of excavation;

17 (3) "Marking", the use of stakes, paint or other clearly identifiable materials to show the
18 field location of underground facilities, or the area of proposed excavation, in accordance with
19 the color code standard of the American Public Works Association. Unless otherwise provided
20 by the American Public Works Association, the following color scheme shall be used: blue for
21 potable water; purple for reclaimed water, irrigation and slurry lines; green for sewers and drain
22 lines; red for electric, power lines, cables, conduit and lighting cables; orange for
23 communications, including telephone, cable television, alarm or signal lines, cable or conduit;
24 yellow for gas, oil, steam, petroleum or gaseous materials; white for proposed excavation; pink
25 for temporary marking of construction project site features such as centerline and top of slope
26 and toe of slope;

27 (4) "Notification center", a statewide organization operating twenty-four hours a day,
28 three hundred sixty-five days a year on a not-for-profit basis, supported by its participants, or by
29 more than one operator of underground facilities, having as its principal purpose the statewide
30 receipt and dissemination to participating owners and operators of underground facilities of
31 information concerning intended excavation activities in the area where such owners and
32 operators have underground facilities, and open to participation by any and all such owners and
33 operators on a fair and uniform basis. Such notification center shall be governed by a board of
34 directors elected by the membership and composed of representatives from each general
35 membership group;

36 (5) "Permitted project", a project for which a permit for the work to be performed is
37 required to be issued by a local, state or federal agency and, as a prerequisite to receiving such
38 permit, the applicant is required to locate all underground facilities in the area of the work and
39 in the vicinity of the excavation and is required to notify each owner of such underground
40 facilities;

41 (6) "Person", any individual, firm, joint venture, partnership, corporation, association,
42 cooperative, municipality, political subdivision, governmental unit, department or agency and
43 shall include a notification center and any trustee, receiver, assignee or personal representative
44 thereof;

45 (7) "Pipeline facility" includes, without limitation, new and existing pipe, rights-of-way,
46 and any equipment, facility, or building used or intended for use in the transportation of gas or
47 the treatment of gas, or used or intended for use in the transportation of hazardous liquids
48 including petroleum, or petroleum products;

49 (8) "Preengineered project", a project which is approved by an agency or political
50 subdivision of the state and for which the agency or political subdivision responsible for the

51 project, as part of its engineering and contract procedures, holds a meeting prior to the
52 commencement of any construction work on such project and in such meeting all persons
53 determined by the agency or political subdivision to have underground facilities located within
54 the excavation area of the project are invited to attend and given an opportunity to verify or
55 inform any agency or political subdivision of the location of their underground facilities, if any,
56 within the excavation area and where the location of all known underground facilities are duly
57 located or noted on the engineering drawing as specifications for the project;

58 (9) "Residential property", any real estate used or intended to be used as a residence by
59 not more than four families on which no underground facilities exist which are owned or
60 operated by any party other than the owner of said property;

61 (10) "Underground facility", any item of personal property which shall be buried or
62 placed below ground for use in connection with the storage or conveyance of water, storm
63 drainage, sewage, telecommunications service, cable television service, electricity, oil, gas,
64 hazardous liquids or other substances, and shall include but not be limited to pipes, sewers,
65 conduits, cables, valves, lines, wires, manholes, attachments and those portions of pylons or
66 other supports below ground that are within any public or private street, road or alley,
67 right-of-way dedicated to the public use or utility easement of record, or prescriptive easement;
68 except that where gas distribution lines or electric lines, telecommunications facilities, cable
69 television facilities, water service lines, water system, storm drainage or sewer system lines are
70 and such lines or facilities are owned solely by the owner or owners of such property, such lines
71 or facilities receiving service shall not be considered underground facilities for purposes of this
72 chapter; provided, however, for railroads regulated by the Federal Railroad Administration,
73 "underground facility" as used in sections 319.015 to 319.050 shall not include any excavating
74 done by a railroad when such excavating is done entirely on land which the railroad owns or on
75 which the railroad operates, or in the event of emergency, on adjacent land;

76 (11) "Working day", every day, except [Saturday,] Sunday or a legally declared local,
77 state or federal holiday.

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