

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 9
Commerce Committee Substitute Adopted 3/12/13

Short Title: Utilities/Design/Survey Location Services. (Public)

Sponsors:

Referred to:

January 31, 2013

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE
3 UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A
4 PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING
5 UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND
6 LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 87-101 reads as rewritten:

9 **"§ 87-101. Definitions.**

10 As used in this Article:

11 (1) "Association" means an association, sponsored by utility owners, that ~~will~~
12 ~~provide~~provides for receipt of notification of excavation operations and
13 surveyor or designer operations in a defined geographical area, and that ~~will~~
14 ~~maintain~~maintains the records of the notifications.

15 ...

16 (11a) "Surveyor or designer" means a person who is responsible for designing or
17 surveying underground utilities or requires a general description and location
18 of existing underground utilities in an area.

19"

20 **SECTION 2.** Article 8 of Chapter 87 of the General Statutes is amended by adding
21 a new section to read as follows:

22 **"§ 87-107.1. Surveyor or designer requests; notice required; duties of utility owners.**

23 (a) Before surveying an area containing highways, public spaces, or private easements
24 of a utility owner, a surveyor or designer may give notice to each utility owner having
25 underground utilities located in the area to be surveyed, or to the utility owner's designated
26 representative or association, either orally or in writing, not less than two nor more than 10
27 working days prior to starting, of the surveyor's or designer's intent to have a survey conducted.
28 The written or oral notice shall contain all of the following:

- 29 (1) The name, address, and telephone number of the surveyor or designer.
30 (2) The name, address, and telephone number of the person conducting the
31 survey.
32 (3) The anticipated starting date of the survey.
33 (4) The anticipated duration of the survey.
34 (5) The area to be surveyed.



1 (b) If a surveyor or designer provides oral notice under subsection (a) of this section,
2 the utility owner or designated representative or association and the surveyor or designer shall
3 make an adequate record of the notification to document compliance with this section.

4 (c) Each utility owner or designated representative or association notified of an intent to
5 survey under subsection (a) of this section shall, before the proposed start of the survey, unless
6 another period is agreed to by the surveyor or designer and the utility owner or designated
7 representative or association, provide the following information to surveyor or designer to the
8 extent the information is reflected by records in the possession of and reasonably available to
9 the utility owner:

10 (1) The location and description of all of the underground utilities within the
11 area to be surveyed.

12 (2) The location and description of all utility markers indicating the location of
13 the underground utilities within the area to be surveyed.

14 (3) Temporary markings with paint, flags, or other visible means on the surface
15 of the ground indicating the location of the underground utilities in locations
16 where permanent utility markers do not exist.

17 (4) Any other information that would assist in locating the underground
18 utilities."

19 **SECTION 3.** This act becomes effective July 1, 2013, and applies to notices given
20 on or after that date.