

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

3

SENATE BILL 9
Commerce Committee Substitute Adopted 3/12/13
Third Edition Engrossed 3/19/13

Short Title: Utilities/Design/Survey Location Services.

(Public)

Sponsors:

Referred to:

January 31, 2013

A BILL TO BE ENTITLED

AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.

The General Assembly of North Carolina enacts:

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

"§ 87-101. Definitions.

As used in this Article:

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

...

(10a) "Small water or wastewater utility owner" means any person who owns or operates any underground line, system, or facility that is used for producing, storing, conveying, transmitting, or distributing water under pressure or sanitary sewage and that serves 100 or fewer service connections.

...

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

...."

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

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

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

(1) The name, address, and telephone number of the surveyor or designer.



- 1 (2) The name, address, and telephone number of the person conducting the
- 2 survey.
- 3 (3) The anticipated starting date of the survey.
- 4 (4) The anticipated duration of the survey.
- 5 (5) The area to be surveyed.
- 6 (b) If a surveyor or designer provides oral notice under subsection (a) of this section,
- 7 the utility owner or designated representative or association and the surveyor or designer shall
- 8 make an adequate record of the notification to document compliance with this section.
- 9 (c) Each utility owner or designated representative or association, other than a small
- 10 water or wastewater utility owner, notified of an intent to survey under subsection (a) of this
- 11 section shall, before the proposed start of the survey, unless another period is agreed to by the
- 12 surveyor or designer and the utility owner or designated representative or association, provide
- 13 the following information to surveyor or designer to the extent the information is reflected by
- 14 records in the possession of and reasonably available to the utility owner:
- 15 (1) The location and description of all of the underground utilities within the
- 16 area to be surveyed.
- 17 (2) The location and description of all utility markers indicating the location of
- 18 the underground utilities within the area to be surveyed.
- 19 (3) Temporary markings with paint, flags, or other visible means on the surface
- 20 of the ground indicating the location of the underground utilities in locations
- 21 where permanent utility markers do not exist.
- 22 (4) Any other information that would assist in locating the underground
- 23 utilities."

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