

2017 -- S 0552

LC001357

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS

Introduced By: Senator P Fogarty

Date Introduced: March 15, 2017

Referred To: Senate Commerce

(DPUC)

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.**

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

1 (5) Any other description that will accurately define the excavation location, including  
2 landmarks and utility pole numbers.

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

26 **39-1.2-11. Damage -- Notice to public utility.**

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

1 gases from a broken line, the person or public agency responsible for the operations causing the  
2 damage shall call 911 immediately, evacuate the immediate area ~~while awaiting~~ and await the  
3 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 upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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1           This act would remove the sixty (60) day excavation completion requirement for work  
2 near public utilities and would require accidents to be reported to 911.

3           This act would take effect upon passage.

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