

UNDERGROUND UTILITY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Y. Romero

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies a definition applicable to provisions relating to underground utilities.

Highlighted Provisions:

This bill:

► modifies the definition of "excavate" or "excavation" in the context of provisions relating to the marking of the location of underground utilities.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-8a-2, as last amended by Laws of Utah 2011, Chapter 426

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **54-8a-2** is amended to read:

54-8a-2. Definitions.

As used in this chapter:

(1) "Association" means two or more operators organized to receive notification of excavation activities in a specified area, as provided by Section 54-8a-9.



28 (2) "Board" means the Underground Facilities Damage Dispute Board created in
29 Section 54-8a-13.

30 (3) "Emergency" means an occurrence or suspected natural gas leak necessitating
31 immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential
32 public services.

33 (4) "Excavate" or "excavation" means an operation in which earth, rock, or other
34 similar material [on or below the ground] is moved or displaced below the surface of the
35 ground by tools, equipment, or explosives.

36 (5) "Excavator" means any person or entity that excavates or conducts excavation
37 activities.

38 (6) "48 hours" means a 48-hour period occurring during business days which includes
39 any day except Saturday, Sunday, or a legal holiday.

40 (7) "Hand tool" means an implement:

41 (a) powered by hand; or

42 (b) designed to avoid damaging an underground facility, including a vacuum
43 excavation tool and air knife.

44 (8) "Location" means the site of a proposed area of excavation described:

45 (a) (i) by street address, if available;

46 (ii) by the area at that street address to be excavated; and

47 (iii) as specified in Subsection 54-8a-4(3) or 54-8a-5(2)(b)(ii); or

48 (b) if there is no street address available, by the area of excavation using any available
49 designations, including a nearby street or road, an intersection, GPS coordinates, or other
50 generally accepted methods.

51 (9) "Location request assignment" means a number assigned to a proposed excavation
52 by an association or operator upon receiving notice of the proposed excavation from the
53 excavator.

54 (10) (a) "Operator" means a person who owns, operates, or maintains an underground
55 facility.

56 (b) "Operator" does not include an owner of real property where underground facilities
57 are:

58 (i) located within:

- 59 (A) the owner's property; or
- 60 (B) a public street adjacent to the owner's property, a right-of-way adjacent to the
- 61 owner's property, or a public utility easement adjacent to the owner's property;
- 62 (ii) used exclusively to furnish services to the owner's property; and
- 63 (iii) maintained under the operation and control of that owner.
- 64 (11) "Person" includes:
- 65 (a) an individual, government entity, corporation, partnership, association, or company;
- 66 and
- 67 (b) the trustee, receiver, assignee, and personal representative of a person listed in
- 68 Subsection (11)(a).
- 69 (12) "Sewer lateral cleanout" means a point of access where a sewer lateral can be
- 70 serviced.
- 71 (13) "24 hours" means a 24-hour period, excluding hours occurring during a Saturday,
- 72 Sunday, or a legal holiday.
- 73 (14) "Underground facility" means personal property that is buried or placed below
- 74 ground level for use in the storage or conveyance of any of the following:
- 75 (a) water;
- 76 (b) sewage, including sewer laterals;
- 77 (c) communications, including electronic, photonic, telephonic, or telegraphic
- 78 communications;
- 79 (d) television, cable television, or other telecommunication signals, including
- 80 transmission to subscribers of video or other programming;
- 81 (e) electric power;
- 82 (f) oil, gas, or other fluid and gaseous substances;
- 83 (g) steam;
- 84 (h) slurry; or
- 85 (i) dangerous materials or products.

Legislative Review Note
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Office of Legislative Research and General Counsel