

SECOND REGULAR SESSION

# HOUSE BILL NO. 1919

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHATZ (Sponsor), POLLOCK, SMITH (150),  
SCHARNHORST, KORMAN, HOUGHTON, SCHNEIDER, LEARA, COOKSON, RICHARDSON,  
WRIGHT, BRATTIN, REIBOLDT, HINSON, CIERPIOT AND SCHAD (Co-sponsors).

6098L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 319.015, RSMo, and to enact in lieu thereof one new section relating to underground facility safety and damage prevention.

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*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Section A. Section 319.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 319.015, to read as follows: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 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) "Design request", a request from any person for facility location information for design purposes only;
- (3) "Emergency", either:
  - (a) A sudden, unexpected occurrence, presenting a clear and imminent danger demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. "Unexpected occurrence" includes, but is not limited to, thunderstorms, high winds, ice or snow storms, fires, floods, earthquakes, or other soil or geologic movements, riots, accidents, water or wastewater pipe breaks, vandalism, or sabotage;
  - or

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.

16 (b) Any interruption in the generation, transmission, or distribution of electricity, or any  
17 damage to property or facilities that causes or could cause such an interruption;

18 (4) "Excavation", any operation in which earth, rock or other material in or on the ground  
19 is moved, removed or otherwise displaced by means of any tools, equipment or explosives and  
20 includes, without limitation, backfilling, grading, trenching, digging, ditching, drilling,  
21 well-drilling, augering, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in,  
22 ripping, driving, and demolition of structures, except that, the use of mechanized tools and  
23 equipment to break and remove pavement and masonry down only to the depth of such pavement  
24 or masonry, the use of pressurized air to disintegrate and suction to remove earth, rock and other  
25 materials, the tilling of soil for agricultural or seeding purposes, and the installation of marking  
26 flags and stakes for the location of underground facilities that are not driven shall not be deemed  
27 excavation. Backfilling or moving earth on the ground in connection with other excavation  
28 operations at the same site shall not be deemed separate instances of excavation;

29 (5) "Excavator", any person making one or more excavations who is required to make  
30 notices of excavation under the requirements of sections 319.010 to 319.050;

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

41 (7) "Notification center", a statewide organization operating twenty-four hours a day,  
42 three hundred sixty-five days a year on a not-for-profit basis, supported by its participants, or by  
43 more than one operator of underground facilities, having as its principal purpose the statewide  
44 receipt and dissemination to participating owners and operators of underground facilities of  
45 information concerning intended excavation activities in the area where such owners and  
46 operators have underground facilities, and open to participation by any and all such owners and  
47 operators on a fair and uniform basis. Such notification center shall be governed by a board of  
48 directors elected by the membership and composed of representatives from each general  
49 membership group, provided that one of the board members shall be a representative of the state  
50 highways and transportation commission so long as the commission is a participant in the  
51 notification center;

52 (8) "Notification center participant", an underground facility owner who is a member and  
53 participant in the notification center;

54 (9) "Permitted project", a project for which a permit for the work to be performed is  
55 required to be issued by a local, state or federal agency and, as a prerequisite to receiving such  
56 permit, the applicant is required to notify all underground facility owners in the area of the work  
57 for purposes of identifying the location of existing underground facilities;

58 (10) "Person", any individual, firm, joint venture, partnership, corporation, association,  
59 cooperative, municipality, political subdivision, governmental unit, department or agency and  
60 shall include a notification center and any trustee, receiver, assignee or personal representative  
61 thereof;

62 (11) "Pipeline facility" includes, without limitation, new and existing pipe, rights-of-way,  
63 and any equipment, facility, or building used or intended for use in the transportation of gas or  
64 the treatment of gas, or used or intended for use in the transportation of hazardous liquids  
65 including petroleum, or petroleum products;

66 (12) "Preengineered project", a project which is approved by an agency or political  
67 subdivision of the state and for which the agency or political subdivision responsible for the  
68 project, as part of its engineering and contract procedures, holds a meeting prior to the  
69 commencement of any construction work on such project and in such meeting all persons  
70 determined by the agency or political subdivision to have underground facilities located within  
71 the excavation area of the project are invited to attend and given an opportunity to verify or  
72 inform any agency or political subdivision of the location of their underground facilities, if any,  
73 within the excavation area and where the location of all known underground facilities are duly  
74 located or noted on the engineering drawing as specifications for the project;

75 (13) "State plane coordinates", a system of locating a point on a flat plane developed by  
76 the National Oceanic and Atmospheric Administration and utilized by state agencies, local  
77 governments, and other persons to designate the site of a construction project;

78 (14) "Trenchless excavation", horizontal excavation parallel to the surface of the earth  
79 which does not use trenching or vertical digging as the primary means of excavation, including  
80 but not limited to directional boring, tunneling, or augering;

81 (15) "Underground facility", any item of personal property which shall be buried or  
82 placed below ground for use in connection with the storage or conveyance of water, storm  
83 drainage, sewage, telecommunications service, cable television service, electricity, oil, gas,  
84 hazardous liquids or other substances, and shall include but not be limited to pipes, **sprinkler**  
85 **systems**, sewers, conduits, cables, valves, lines, wires, manholes, attachments, or appurtenances,  
86 and those portions of pylons or other supports below ground that are within any public or private  
87 street, road or alley, right-of-way dedicated to the public use or utility easement of record, or

88 prescriptive easement. If gas distribution lines or electric lines, telecommunications facilities,  
89 cable television facilities, water service lines, water system, storm drainage or sewer system  
90 lines, other than those used for vehicular traffic control, lighting of streets and highways and  
91 communications for emergency response, are located on private property and are owned solely  
92 by the owner or owners of such private property, such lines or facilities receiving service shall  
93 not be considered underground facilities for purposes of this chapter, except at locations where  
94 they cross or lie within an easement or right-of-way dedicated to public use or owned by a person  
95 other than the owner of the private property. Water and sanitary sewer lines providing service  
96 to private property that are owned solely by the owner of such property shall not be considered  
97 underground facilities at any location. **Water and sanitary sewer lines providing service to**  
98 **private property and connected to a main line and owned by a utility, municipal utility,**  
99 **water district, or other business providing water or sewer service shall be considered**  
100 **underground facilities owned by such utility, municipal utility, water district, or business**  
101 **under section 319.022 at locations where they cross or lie within an easement or right-of-**  
102 **way dedicated to public use or owned by a person other than the owner of the private**  
103 **property.** Water, storm drainage, cross road drainage, or sewer lines owned by the state  
104 highways and transportation commission shall not be considered underground facilities at any  
105 location. For railroads regulated by the Federal Railroad Administration, "underground facility"  
106 as used in sections 319.015 to 319.050 shall not include any excavating done by a railroad when  
107 such excavating is done entirely on land which the railroad owns or on which the railroad  
108 operates, or in the event of emergency, on adjacent land;

109 (16) "Underground facility owner", any person who owns or operates underground  
110 facilities as defined by this section;

111 (17) "Working day", every day, except Saturday, Sunday or a legally declared local, state  
112 or federal holiday.

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