

1 underground facilities or wherein the public agency responsible for
2 such project, as part of its procedure, notifies all persons
3 determined by the public agency to have underground facilities
4 located within the construction right-of-way and certifies that all
5 known underground facilities are duly located or noted on the
6 engineering drawings for the project;

7 2. "Damage" means any impact upon or removal of support from an
8 underground facility as a result of explosion, excavation or
9 demolition which according to the operating practices of the
10 operator of the underground facilities would necessitate the repair
11 thereof;

12 3. "Demolish" means to wreck, raze, render, move or remove a
13 structure by means of any equipment or explosive;

14 4. "Demolition" means the act or operation of demolishing a
15 structure;

16 5. "Excavate" means to dig, compress or remove earth, rock or
17 other materials in or on the ground by use of mechanized equipment
18 or blasting, including, but not necessarily limited to, augering,
19 boring, backfilling, drilling, grading, pile driving, plowing in,
20 pulling in, trenching, tunneling and plowing; provided, however,
21 that neither:

22 a. the moving of earth by tools manipulated only by human
23 or animal power, except in a private or public
24 easement or right-of-way, ~~nor~~

1 b. the moving of earth by tools manipulated only by human
2 power for burying communication lines of a
3 communications provider in a private or public
4 easement or right-of-way when depth is not greater
5 than twelve (12) inches and within twelve (12) inches
6 of a communications provider terminal,

7 c. any form of cultivation for agricultural purposes, nor
8 any augering, dozing by noncommercial dozer operators
9 or digging for postholes, farm ponds, land clearing or
10 other normal agricultural purposes, ~~nor~~

11 ~~d.~~ d. routine maintenance, ~~nor~~

12 ~~e.~~ e. work by a public agency or its contractors on a
13 preengineered project, ~~nor~~

14 ~~f.~~ f. work on a certified project, ~~nor~~

15 ~~g.~~ g. work on a permitted project, ~~nor~~

16 ~~h.~~ h. the opening of a grave in a cemetery, ~~nor~~

17 ~~i.~~ i. a solid waste disposal site which is a preengineered
18 project, nor

19 ~~j.~~ j. any individual excavating on his or her own property
20 and who is not in the excavating business for hire,
21 except in a private or public easement or right-of-
22 way,

23 shall be deemed excavation;

24 6. "Excavation" means the act or operation of excavating;

1 7. "Excavator" means a person or public agency that intends to
2 excavate or demolish within the ~~State of Oklahoma~~ this state;

3 8. "Notification center" means the statewide center currently
4 known as the Oklahoma One-Call System, Inc., which has as one of its
5 purposes to receive notification of planned excavation and
6 demolition in a specified area from excavators, and to disseminate
7 such notification of planned excavation or demolition to operators
8 who are members and participants;

9 9. "Operator" shall mean and include any person or public
10 agency owning or operating underground facilities;

11 10. "Permitted project" means a project where a permit for the
12 work to be performed must be issued by a state or federal agency
13 and, as a prerequisite to receiving such permit, the applicant must
14 locate all underground facilities in the area of the work and in the
15 vicinity of any blasting and notify each owner of such underground
16 facilities;

17 11. "Person" includes any individual, partnership, corporation,
18 association, cooperative, trust or other entity, including a person
19 engaged as a contractor by a public agency, but not including a
20 public agency;

21 12. "Preengineered project" means a public project wherein the
22 public agency responsible for such project, as part of its
23 engineering and contract procedures, holds a meeting prior to the
24 commencement of any construction work on such project in which all

1 persons, determined by the public agency, in consultation with the
2 statewide one-call notification center, to have underground
3 facilities located within the construction area of the project are
4 invited to attend and given an opportunity to verify or inform the
5 public agency of the location of their underground facilities, if
6 any, within the construction area and where the location of all
7 known underground facilities are duly located or noted on the
8 engineering drawing and specifications for the project;

9 13. "Public agency" means the state or any board, commission or
10 agency of the state;

11 14. "Routine maintenance" means the grading of roads and barrow
12 or drainage ditches, the removal and replacement of pavement,
13 including excavation relating thereto and the installation and
14 maintenance of drainage and bridge facilities, signs, guardrails,
15 and electrical and communications facilities in or on the public
16 rights-of-way by a public agency; ~~and~~

17 15. "Underground facility" means any underground line, cable,
18 facility, system and appurtenances thereto, for producing, storing,
19 conveying, transmitting or distributing communication (including
20 voice, video, or data information), electricity, power, light, heat,
21 intrastate and interstate gas pipelines, as described in 49 CFR Part
22 192.1, intrastate and interstate hazardous liquid or carbon dioxide
23 pipelines, as described in 49 CFR Part 195.1, water (including storm
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1 water), steam, sewage and other commodities and any oil and gas
2 pipeline located in a public right-of-way; and

3 16. "Design" or "survey" means a notice to facility operators
4 to provide underground facility information during the design or
5 engineering phase of a project to mitigate potential impact to
6 existing underground facilities.

7 SECTION 2. AMENDATORY 63 O.S. 2021, Section 142.8, is
8 amended to read as follows:

9 Section 142.8. A. In addition to the notice required by
10 Section 142.6 of this title, whenever the demolition of a structure
11 is proposed, operators in the geographic area defined by the
12 notification center who have a notice on file with the notification
13 center pursuant to Section 142.3 of this title shall be given at
14 least seven (7) business days' notice of the proposed demolition
15 before the demolition work begins. Such notice shall be initiated
16 by the notification center after the excavator has met local code
17 requirements for a demolition permit. When an operator is served
18 with notice and determines that underground facilities are within
19 the proposed area of demolition and such facilities require
20 additional protection, service removal or termination, the operator
21 shall communicate this information to the excavator and by mutual
22 agreement the operator and excavator shall determine a date to begin
23 the demolition which shall not exceed sixty (60) business days from
24 the original demolition notice. If a public agency determines that

1 the structure endangers the public health or safety, then the public
2 agency may, in the manner provided by law, order the immediate
3 demolition of the structure.

4 B. When a design or survey notice is received, operators or
5 their designee shall provide underground facilities information
6 within fourteen (14) calendar days from the time of the request
7 which may include physical markings at the project site, facility
8 mapping, or both. No excavation may take place on a design or
9 survey notice. Operators shall provide the one-call notification
10 center with the necessary information for notices to be sent to the
11 appropriate person within their company or organization.

12 SECTION 3. This act shall become effective November 1, 2023.

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14 COMMITTEE REPORT BY: COMMITTEE ON UTILITIES, dated 04/10/2023 - DO
15 PASS, As Coauthored.

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