

Senate Bill No. 140

Passed the Senate July 7, 2005

Secretary of the Senate

Passed the Assembly July 5, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 4216.3 and 4216.4 of the Government Code, relating to subsurface installations.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, Margett. Subsurface installations: excavation.

Existing law requires an excavator to determine the exact location of subsurface installations that are in conflict with the excavation before using any power-operated or power-driven excavating or boring equipment within the approximate location of the subsurface installation, with a specified exception. The excavator is required to use hand tools to determine the location of subsurface installations, as specified. Existing law requires the operator of a subsurface installation that receives timely notice of proposed excavation work to make a reasonable effort to field mark the location of the installation using specified colors.

This bill would allow the utilization of vacuum excavation devices or power-operated or power-driven tools, provided that an express written mutual agreement exists, as specified. This bill would also require operators to use the uniform color code of the American Public Works Association when making field markings.

The people of the State of California do enact as follows:

SECTION 1. Section 4216.3 of the Government Code is amended to read:

4216.3. (a) Any operator of a subsurface installation who receives timely notification of any proposed excavation work in accordance with Section 4216.2 shall, within two working days of that notification, excluding weekends and holidays, or before the start of the excavation work, whichever is later, or at a later time mutually agreeable to the operator and the excavator, locate and field mark the approximate location and, if known, the number of subsurface installations that may be affected by the excavation to the extent and degree of accuracy that the information is available either in the records of the operator or as determined through the use of standard locating techniques other

than excavating, otherwise advise the person who contacted the center of the location of the operator's subsurface installations that may be affected by the excavation, or advise the person that the operator does not operate any subsurface installations that would be affected by the proposed excavation.

(b) Every operator of a subsurface installation who field marks the location of a subsurface installation shall make a reasonable effort to make field markings in conformance with the uniform color code of the American Public Works Association.

(c) If, at any time during an excavation for which there is a valid inquiry identification number, an operator's field markings are no longer reasonably visible, the excavator shall contact the appropriate regional notification center. The regional notification center shall contact any member, if known, who has a subsurface installation in the area of the excavation. Upon receiving timely notification or renotification pursuant to this subdivision, the operator shall re-locate and re-mark, within two working days, those subsurface installations which may be affected by the excavation to the extent necessary, in conformance with this section.

(d) The excavator shall notify the appropriate regional notification center of the failure of an operator to comply with this section. The notification shall include the inquiry identification number issued by the regional notification center. A record of all notifications received pursuant to this subdivision shall be maintained by the regional notification center for a period of not less than three years. The records shall be available for inspection pursuant to subdivision (d) of Section 4216.2.

SEC. 2. Section 4216.4 of the Government Code is amended to read:

4216.4. (a) The excavator shall determine the exact location of subsurface installations in conflict with the excavation by excavating with hand tools within the area of the approximate location of subsurface installations as determined by the field marking provided in accordance with Section 4216.3 before using any power-operated or power-driven excavating or boring equipment within the approximate location of the subsurface installation, except that power-operated or power-driven excavating or boring equipment may be used for the removal of any existing pavement if there are no subsurface installations

contained in the pavement. If there is an express written mutual agreement between the operator, or operators, and the excavator, the excavator may utilize vacuum excavation devices, or power-operated or power-driven excavating or boring equipment within the approximate location of a subsurface installation and to any depth.

(b) If the exact location of the subsurface installation cannot be determined by hand excavating in accordance with subdivision (a), the excavator shall request the operator to provide additional information to the excavator, to the extent that information is available to the operator, to enable the excavator to determine the exact location of the installation.

Approved _____, 2005

Governor