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Legislative Document

No. 916

H.P. 676

House of Representatives, March 8, 2011

An Act To Clarify Notification Procedures during an Emergency Excavation

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FITTS of Pittsfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 23 MRSA §3360-A, sub-§5**, as repealed and replaced by PL 1999, c. 718,
3 §6, is amended to read:

4 **5. Emergency excavations.** ~~In~~ Notwithstanding any other provision of this section,
5 in an emergency, an excavator may commence an excavation after having taken all
6 reasonable steps, consistent with the emergency, to notify the system and to mark the
7 excavation site consistent with subsection 3, paragraph C required by this subsection and
8 upon approval under paragraph C by the underground facility operator responsible for the
9 excavation. Each underground facility operator shall locate its underground facilities as
10 soon as practicable after receiving notification of an emergency excavation whether or
11 not the excavation has begun. After receiving notification of an emergency excavation,
12 an underground facility operator must:

13 A. Immediately notify the system;

14 B. As soon as practicable, locate the underground facility operator's underground
15 facilities and mark the excavation site consistent with subsection 3, paragraph C; and

16 C. Excavate the marked area under paragraph B, or give an excavator approval to
17 excavate the marked area under paragraph B, after determination that there are safe
18 working conditions in which to operate and upon the earlier of the following:

19 (1) The system clears the marked area for excavation; and

20 (2) Four or more hours pass after notification to the system under paragraph A.

21 Notwithstanding paragraph C, if the circumstances of the emergency present an
22 immediate danger to life, safety or property, the underground facility operator or
23 excavator may immediately commence excavation after the provisions of paragraphs A
24 and B have been met.

25 An excavation under this subsection must be commenced within 12 hours of notification
26 to the system under paragraph A unless the circumstances of the emergency require a
27 greater amount of time due to unsafe working conditions as determined by the
28 underground facility operator under paragraph C.

29 **SUMMARY**

30 This bill establishes steps that an underground facility operator must take in order to
31 conduct an emergency excavation, including:

32 1. Immediately notifying the underground facility damage prevention system,
33 otherwise known as "Dig Safe";

34 2. As soon as practicable, locating its underground facilities and marking the
35 excavation area; and

36 3. Excavating the marked area after determining there are safe working conditions
37 and upon the earlier of when the damage prevention system clears the area for excavation
38 and when 4 or more hours have passed after notification to the system.

1 This bill also requires an underground facility operator to commence an emergency
2 excavation within 12 hours after notification to the damage prevention system unless the
3 circumstances of the emergency require a greater amount of time as determined by the
4 underground facility operator.