

Senate Bill 550

Sponsored by Senator PROZANSKI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes, for purposes of notifying operator of underground facility of proposed excavation, definition of "excavation" to exclude use of hand tools or any other noninvasive method that moves or displaces earth, rock or other material.

A BILL FOR AN ACT

1
2 Relating to excavations; amending ORS 757.542.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 757.542 is amended to read:

5 757.542. As used in ORS 757.542 to 757.562 and 757.993:

6 (1) "Business day" means any 24-hour day other than a Saturday, Sunday or federal or state
7 legal holiday.

8 (2) "Damage" means harm to or destruction of underground facilities including, but not limited
9 to, the weakening of structural, lateral or subjacent support; the penetration, impairment or de-
10 struction of any coating, housing or other protective device; and the denting of, penetration into or
11 severance of underground facilities.

12 (3)(a) "Excavation" means any operation in which earth, rock or other material on or below the
13 ground **surface** is moved or [*otherwise*] displaced by any means. [*except sidewalk, road and ditch*
14 *maintenance less than 12 inches in depth that does not lower the road grade or original ditch flow*
15 *line.*]

16 (b) "Excavation" does not include:

17 (A) The tilling of soil for agricultural purposes conducted on [*private*] property that is not
18 within the boundaries of a recorded right of way or easement for underground facilities[.];

19 (B) **Sidewalk, road or ditch maintenance that:**

20 (i) **Moves or displaces earth, rock or other material up to a depth, as measured from the**
21 **ground surface, that is no greater than 12 inches; and**

22 (ii) **Does not lower the road grade or original ditch flow line; or**

23 (C) **The use of hand tools or any other noninvasive method that moves or displaces earth,**
24 **rock or other material.**

25 (4) "Excavator" means any person who engages in excavation.

26 (5) "Operator" means any person, public utility, municipal corporation, political subdivision of
27 the state or other person with control over underground facilities.

28 (6) "Underground facilities" means items partially or entirely below the surface of the ground
29 for use in connection with the storage or conveyance of electrical energy, water, sewage, petroleum
30 products, gas, gaseous vapors or hazardous liquids, or the transmission of electronic, telephonic,
31 telegraphic or cable communications. Such items include, but are not limited to, pipes, sewers,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 conduits, cables, valves, lines, wires, manholes, attachments and those parts of poles or anchors that
2 are underground.

3 (7) "Unlocatable underground facilities" means underground facilities that cannot be marked
4 with reasonable accuracy, including nonconductive sewers and nonmetallic underground facilities
5 that have no trace wires.

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