

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SENATE BILL 9
RATIFIED BILL

AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 87-101 reads as rewritten:

"§ 87-101. Definitions.

As used in this Article:

(1) "Association" means an association, sponsored by utility owners, that ~~will provide~~provides for receipt of notification of excavation operations and surveyor operations in a defined geographical area, and that ~~will maintain~~maintains the records of the notifications.

...
(10a) "Small water or wastewater utility owner" means any person who owns or operates any underground line, system, or facility that is used for producing, storing, conveying, transmitting, or distributing water under pressure or sanitary sewage and that serves 100 or fewer service connections.

...
(11a) "Surveyor" means a person who is responsible for surveying underground utilities or requires a general description and location of existing underground utilities in an area, and who has been retained by an engineer, architect, or property owner.

...."

SECTION 2. Article 8 of Chapter 87 of the General Statutes is amended by adding a new section to read as follows:

"§ 87-107.1. Surveyor requests; notice required; duties of utility owners; exceptions.

(a) Before surveying an area containing highways, public spaces, or private easements of a utility owner, a surveyor may give notice to each utility owner having underground utilities located in the area to be surveyed or to the utility owner's designated representative or association, either orally or in writing, not less than 10 working days prior to starting, of the surveyor's intent to have a survey conducted. The written or oral notice shall contain all of the following:

- (1) The name, address, and telephone number of the surveyor.
- (2) The name, address, and telephone number of the person conducting the survey.
- (3) The anticipated starting date of the survey.
- (4) The anticipated duration of the survey.
- (5) The area to be surveyed.

(b) If a surveyor provides oral notice under subsection (a) of this section, the utility owner or designated representative or association and the surveyor shall make an adequate record of the notification to document compliance with this section.

(c) Each utility owner or designated representative or association, other than a small water or wastewater utility owner, notified of an intent to survey under subsection (a) of this section shall, before the proposed start of the survey, unless another period is agreed to by the surveyor and the utility owner or designated representative or association provide at least one



of the following to the surveyor to the extent the information is reflected by records in the possession of and reasonably available to the utility owner:

- (1) The location and description of all of the underground utilities within the area to be surveyed.
- (2) The best available description of all underground utilities in the area of the proposed survey, which may include drawings marked with a scale, dimensions, and reference points for underground utilities already built in the area or other facility records that are maintained by the utility owner.
- (3) Allowing the surveyor or any other authorized person to inspect the drawings or other records for all underground utilities within the area to be surveyed at a location that is acceptable to both parties.

(d) The requirements in subsection (c) of this section shall not apply to a notice of intent to survey a single-family residential property given by an engineer or architect. However, subsection (c) of this section shall apply to a notice of intent to survey a single family residential property given by a property owner or a surveyor who has been retained in connection with the development of the property."

SECTION 3. This act becomes effective July 15, 2013, and applies to notices given on or after that date.

In the General Assembly read three times and ratified this the 13th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____ .m. this _____ day of _____, 2013