

No. 287

AN ACT

HB 2543

To protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service, recorders of deeds, and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. As used in this act:

“Contractor” means any person who or which performs excavation or demolition work for himself or for another person.

“Demolition work” means the use of powered equipment or explosives to destroy or raze any structure.

“Designer” means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.

“Emergency” means any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires, or other breaks or defects in a user’s lines.

“Excavation work” means the use of powered equipment or explosives in the movement of earth, rock or other material, and includes but is not limited to augering, backfilling, blasting, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling; but shall not include such use in agricultural operations or for the purpose of finding or extracting natural resources.

“Line” means an underground conductor used in providing electric or communication service, or an underground pipe used in providing gas, oil or oil product delivery, sewage, water or other service to one or more consumers of such service.

“Operator” means any individual in physical control of powered equipment or explosives when being used to perform excavation or demolition work

“Person” means an individual, partnership, corporation, governmental agency, or any other entity.

“Powered equipment” means any equipment energized by an engine or motor and used in excavation or demolition work.

“User” means the public utility, municipal corporation, municipality, authority, rural electric cooperative or other person who or which uses a line to provide service to one or more consumers.

“Working day” means any day except a Saturday, Sunday or legal holiday prescribed by act of the General Assembly.

Section 2. It shall be the duty of each user:

(1) To give written notice to the recorder of deeds of each county in which its lines are located, which notice shall state:

- (i) the name of the user;
- (ii) the names of the county's political subdivisions in which its lines are located;
- (iii) the user's office address (by street, number and political subdivision), and the telephone number to which inquiries may be directed as to the location of such lines.

(2) To give like written notice within five days after any of the matters stated in the last previous notice shall have changed.

(3) To accompany each such written notice with a filing fee of five dollars (\$5) payable to and for the use of the county.

(4) Not more than two working days after receipt of a request therefor from a designer who identifies the site of excavation or demolition work for which he is preparing a drawing, to respond to his request for information as to the approximate location and type of the user's lines at such site.

(5) Not more than two working days after receipt of a request therefor from a contractor or operator who identifies the site of excavation or demolition work he intends to perform, to inform him of:

- (i) the location of any of the user's lines at such site;
- (ii) the cooperative steps which the user may take, either at or off the excavation or demolition site, to assist him in avoiding damage to its lines;
- (iii) suggestions for procedures that might be followed in avoiding such damage.

(6) Upon receipt of a request pursuant to clauses (4) or (5), to assign such request a serial number, inform the requestor of such number, and to maintain a register showing the name, address and telephone number of the requestor, the site to which the request pertains, and the assigned serial number.

Section 3. It shall be the duty of the recorder of deeds of each county:

(1) To ascertain from the notices received pursuant to clause (1) of section 2, the identity of all users having lines in each political subdivision, and to maintain, for each political subdivision, a list showing as to such users the information prescribed by said subsection.

(2) To make such lists available for public inspection without charge, and to provide a copy of the list for any political subdivision to anyone who requests it for a copy fee of one dollar (\$1) payable to and for the use of the county.

Section 4. It shall be the duty of each designer preparing a drawing requiring excavation or demolition work at a site within a political subdivision:

(1) To inspect or obtain a copy of the list of users therein prescribed by section 3.

(2) To request the information prescribed by section 2, clause (4) from each user's office designated on such list.

(3) To show upon the drawing the approximate location and type of each line, derived pursuant to the request made as required by clause (2), the name of the user, and the user's office address and telephone number as shown on the list referred to in clause (1).

Section 5. It shall be the duty of each contractor who intends to perform excavation or demolition work at a site within a political subdivision:

(1) To ascertain the location and type of users' lines at such site, either by inspection of the designer's drawing made pursuant to section 4 or, if there be no such drawing, then by the same manner as that prescribed for a designer in clauses (1) and (2) of section 4.

(2) Not less than three working days prior to the day of beginning such work, to request the information prescribed by subclauses (ii) and (iii) of clause (5) of section 2, from each such user's office designated on the designer's drawing or on the list of users obtained pursuant to clause (1) of section 4.

(3) To inform each operator, employed by him at the site of such work, of the information obtained by him pursuant to clauses (1) and (2) of this section.

(4) To report immediately to the user any break or leak on its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work.

(5) To alert immediately the occupants of premises as to any emergency that he may create or discover at or near such premises.

(6) The requirement of clauses (1), (2) and (3) shall not apply to a user or contractor performing excavation or demolition work in an emergency.

Section 6. This act shall not be deemed to amend or repeal any other law or any local ordinance enacted pursuant to law concerning the same subject matter, it being the legislative intent that both this act and any such other law or local ordinance shall have full force and effect. This act shall not preclude the establishment of one-call systems or other working agreements between users and contractors to effect compliance with this act.

Section 7. Any person violating any of the provisions of this act shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), or undergo imprisonment for not more than ninety days, or both.

Section 8. This act shall take effect in one hundred twenty days.

APPROVED—The 10th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 287.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Secretary of the Commonwealth.