

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 9

Short Title: Utilities/Design/Survey Location Services. (Public)

Sponsors: Senators Meredith (Primary Sponsor); and Clark.

Referred to: Commerce.

January 31, 2013

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE
3 UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A
4 PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING
5 UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND
6 LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 87-101 is amended by adding a new subdivision to read as
9 follows:

10 **"§ 87-101. Definitions.**

11 As used in this Article:

12 ...

13 (2a) "Design/survey request" means an oral or written request from a person who
14 is responsible for designing or surveying underground utilities or requires a
15 general description and location of existing underground utilities in an area.

16"

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

19 **"§ 87-107.1. Design/survey request; notice required; duties of utility owners.**

20 (a) Before surveying an area containing highways, public spaces, or private easements
21 of a utility owner, a person who is responsible for designing or surveying underground utilities
22 or requires a general description and location of existing underground utilities may notify each
23 utility owner having underground utilities located in the area to be surveyed, either orally or in
24 writing, not less than two nor more than 10 working days prior to starting, of the person's intent
25 to survey. The written or oral notice shall contain all of the following:

26 (1) The name, address, and telephone number of the person filing the notice.

27 (2) The name, address, and telephone number of the person doing the surveying.

28 (3) The anticipated starting date of the surveying.

29 (4) The anticipated duration of the surveying.

30 (5) The location where the surveying will be conducted.

31 (b) If the notice required by subsection (a) of this section is made by telephone, an
32 adequate record shall be made of the notification by the utility owner or the utility owner's
33 designated representative, including an association, and the person making the notification, to
34 document compliance with this section.

35 (c) Each utility owner or designated representative notified of an intent to survey under
36 subsection (a) of this section shall, before the proposed start of the survey, unless another



1 period is agreed to by the person conducting the survey and the utility owner or designated
2 representative, provide the following information to the person conducting the survey to the
3 extent the information is reflected by records in the possession of and reasonably available to
4 the utility owner:

- 5 (1) The location and description of all of the underground utilities within the
6 area to be surveyed.
- 7 (2) The location and description of all utility markers indicating the location of
8 the underground utilities within the area to be surveyed.
- 9 (3) Temporary markings with paint, flags, or other visible means on the surface
10 of the ground indicating the location of the underground utilities in locations
11 where permanent utility markers do not exist.
- 12 (4) Any other information that would assist in locating the underground
13 utilities."

14 **SECTION 2.** This act becomes effective July 1, 2013, and applies to design/survey
15 requests made on or after that date.