

1                                   **UNDERGROUND SEWER UTILITIES**

2                                   **FACILITIES AMENDMENTS**

3                                   2009 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Jon J. Greiner**

6                                   House Sponsor: Douglas C. Aagard

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8   **LONG TITLE**

9   **General Description:**

10           This bill establishes requirements for new and replacement sewer lateral cleanout  
11 installations.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ requires an owner's permission before an excavator may access or enter the owner's  
15 property or dwelling to locate a sewer lateral;
- 16           ▶ requires an operator or person installing or replacing a sewer lateral cleanout  
17 beginning August 1, 2009 to install or replace the lateral so that it can be located;
- 18           ▶ requires sewer operators to maintain records beginning August 1, 2009 identifying  
19 the location of new, replaced, or contractor-identified sewer lateral cleanouts;
- 20           ▶ requires sewer operators to provide information pertaining to a sewer lateral  
21 cleanout location; and
- 22           ▶ makes technical corrections.

23   **Monies Appropriated in this Bill:**

24           None

25   **Other Special Clauses:**

26           None

27   **Utah Code Sections Affected:**

28   AMENDS:

29           **54-8a-2**, as last amended by Laws of Utah 2008, Chapter 344

30 ENACTS:

31 **54-8a-5.8**, Utah Code Annotated 1953

32 **54-8a-10.5**, Utah Code Annotated 1953

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34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **54-8a-2** is amended to read:

36 **54-8a-2. Definitions.**

37 As used in this chapter:

38 (1) "Association" means two or more operators organized to receive notification of  
39 excavation activities in a specified area, as provided by Section 54-8a-9.

40 (2) "Board" means the Underground Facilities Damage Dispute Board created in  
41 Section 54-8a-13.

42 (3) "Emergency" means an occurrence or suspected natural gas leak necessitating  
43 immediate action to prevent or mitigate loss of, or damage to, life, health, property, or  
44 essential public services.

45 (4) "Excavate" or "excavation" means an operation in which earth, rock, or other  
46 material on or below the ground is moved or displaced by tools, equipment, or explosives.

47 (5) "Excavator" means any person or entity that excavates or conducts excavation  
48 activities.

49 (6) "48 hours" means a 48-hour period occurring during business days which includes  
50 any day except Saturday, Sunday, or a legal holiday.

51 (7) "Hand tool" means an implement:

52 (a) powered by hand; or

53 (b) designed to avoid damaging an underground facility, including a vacuum  
54 excavation tool and air knife.

55 (8) "Location" means the site of a proposed area of excavation described by:

56 (a) (i) street address, if available; and

57 (ii) the area at that street address to be excavated; or

58 (b) if there is no street address available, the area of excavation using any available  
59 designations, including a nearby street or road, an intersection, GPS coordinates, or other  
60 generally accepted methods.

61 (9) "Location request assignment" means a number assigned to a proposed excavation  
62 by an association or operator upon receiving notice of the proposed excavation from the  
63 excavator.

64 (10) (a) "Operator" means a person who owns, operates, or maintains an underground  
65 facility.

66 (b) "Operator" does not include an owner of real property where underground facilities  
67 are:

68 (i) located [~~solely~~] within [~~the property~~];

69 (A) the owner's property; or

70 (B) a public street adjacent to the owner's property, a right-of-way adjacent to the  
71 owner's property, or a public utility easement adjacent to the owner's property;

72 (ii) used exclusively to furnish services [~~on~~] to the owner's property; and

73 (iii) maintained under the operation and control of that owner.

74 (11) "Person" includes:

75 (a) an individual, government entity, corporation, partnership, association, or  
76 company; and

77 (b) the trustee, receiver, assignee, and personal representative of a person listed in  
78 Subsection (11)(a).

79 (12) "Sewer lateral cleanout" means a point of access where a sewer lateral can be  
80 serviced.

81 [~~(12)~~] (13) "24 hours" means a 24-hour period, excluding hours occurring during a  
82 Saturday, Sunday, or a legal holiday.

83 [~~(13)~~] (14) "Underground facility" means personal property that is buried or placed  
84 below ground level for use in the storage or conveyance of any of the following:

85 (a) water;

86 (b) sewage, including sewer laterals;

87 (c) communications, including electronic, photonic, telephonic, or telegraphic  
88 communications;

89 (d) television, cable television, or other telecommunication signals, including  
90 transmission to subscribers of video or other programming;

91 (e) electric power;

92 (f) oil, gas, or other fluid and gaseous substances;

93 (g) steam;

94 (h) slurry; or

95 (i) dangerous materials or products.

96 Section 2. Section **54-8a-5.8** is enacted to read:

97 **54-8a-5.8. Excavator access.**

98 An excavator may enter or access an owner's property or dwelling to locate a sewer  
99 lateral with the owner's permission.

100 Section 3. Section **54-8a-10.5** is enacted to read:

101 **54-8a-10.5. Installation and location of sewer lateral cleanouts -- Records.**

102 (1) (a) An operator or person installing or replacing a sewer lateral cleanout beginning  
103 August 1, 2009 shall install or replace the sewer lateral cleanout in a manner so that the lateral  
104 can be located, including:

105 (i) house sheets; or

106 (ii) electronic markers.

107 (b) An operator or person installing a sewer lateral cleanout shall notify the sewer  
108 operator of the sewer lateral cleanout location for record keeping purposes.

109 (2) Beginning on August 1, 2009, a sewer operator shall maintain records identifying  
110 where all new, replaced, or contractor-identified sewer lateral cleanouts are located within the  
111 sewer operator's jurisdiction.

112 (3) (a) A sewer operator shall provide to an excavator information in the sewer  
113 operator's possession pertaining to a sewer lateral cleanout location within the sewer operator's

114 jurisdiction.

115 (b) The sewer operator shall provide the information within 48 hours of the excavator's

116 request.