

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 9
Commerce Committee Substitute Adopted 3/12/13
Third Edition Engrossed 3/19/13
House Committee Substitute Favorable 5/22/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S9-PCS35358-TP-44

Short Title: Utilities/Design/Survey Location Services.

(Public)

Sponsors:

Referred to:

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 reads as rewritten:

9 **"§ 87-101. Definitions.**

10 As used in this Article:

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

15 ...

16 (10a) "Small water or wastewater utility owner" means any person who owns or
17 operates any underground line, system, or facility that is used for producing,
18 storing, conveying, transmitting, or distributing water under pressure or
19 sanitary sewage and that serves 100 or fewer service connections.

20 ...

21 (11a) "Surveyor" means a person who is responsible for surveying underground
22 utilities or requires a general description and location of existing
23 underground utilities in an area, and who has been retained by an engineer,
24 architect, or property owner.

25"

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

28 **"§ 87-107.1. Surveyor requests; notice required; duties of utility owners; exceptions.**

29 (a) Before surveying an area containing highways, public spaces, or private easements
30 of a utility owner, a surveyor may give notice to each utility owner having underground utilities
31 located in the area to be surveyed or to the utility owner's designated representative or
32 association, either orally or in writing, not less than 10 working days prior to starting, of the



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1 surveyor's intent to have a survey conducted. The written or oral notice shall contain all of the
2 following:

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

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

12 (c) Each utility owner or designated representative or association, other than a small
13 water or wastewater utility owner, notified of an intent to survey under subsection (a) of this
14 section shall be allowed at least 10 days before the proposed start of the survey, unless another
15 period is agreed to by the surveyor and the utility owner or designated representative or
16 association provide at least one of the following to the surveyor to the extent the information is
17 reflected by records in the possession of and reasonably available to the utility owner:

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

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

32 **SECTION 3.** This act becomes effective July 1, 2013, and applies to notices given
33 on or after that date.