

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2543 Session of
1974

INTRODUCED BY CESSAR, GEISLER, ZORD, KUSSE, BYERLY, BURKARDT,
PARKER, MCGINNIS, KNEPPER, BRUNNER, DOYLE, NOVAK, ROMANELLI,
J. B. KELLY III, TADDONIO, CAPUTO, SCANLON, J. T. WALSH,
ITKIN, FEE, GRING, KAHLE, HARRIER, VALICENTI, WELLS,
McMONAGLE, W. W. WILT, L. E. SMITH, RUANE, S. E. HAYES JR.,
KENNEDY, BITTLE, WORRILOW, McCURDY, GLEESON, MYERS, TAYOUN,
STAHL, WEIDNER, SCHULZE, ZELLER, HALVERSON, LAUGHLIN,
A. K. HUTCHINSON, R. W. WILT, STOUT, SHANE, TURNER, GLEASON,
LEHR, DORR, GEESEY, KOLTER, D. M. DAVIS, C. S. SMITH, FOOR
AND GALLEN, JULY 10, 1974

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, JULY 10, 1974

AN ACT

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

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

10 Section 1. As used in this act:

11 "Architect" means any person who or which prepares a drawing
12 for erecting, adapting, remodeling or altering a building or
13 structure if so doing requires excavation or demolition work,
14 and if approval of such drawing by the Department of Labor and
15 Industry is required by the act of April 27, 1927 (P.L.465,
16 No.299).

1 "Contractor" means any person who or which performs
2 excavation or demolition work for himself or for another person.

3 "Demolition work" means the use of powered equipment or
4 explosives to destroy or raze any structure.

5 "Emergency" means any condition constituting a clear and
6 present danger to life or property by reason of escaping gas,
7 exposed wires, or other breaks or defects in lines.

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

15 "Line" means an underground conductor used in providing
16 electric or communication service, or an underground pipe used
17 in providing as, oil or oil product delivery, sewage, water or
18 other service to one or more consumers of such service.

19 "Operator" means any individual in physical control of
20 powered equipment or explosives when being used to perform
21 excavation or demolition work

22 "Person" means an individual, partnership, corporation,
23 governmental agency, or any other entity.

24 "Powered equipment" means any equipment energized by an
25 engine or motor and used in excavation or demolition work.

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

30 "Working day" means any day except a Saturday, Sunday or

1 legal holiday.

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

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

5 (i) the name of the user;

6 (ii) the names of the county's political subdivisions in
7 which its lines are located;

8 (iii) the user's office address (by street, number and
9 political subdivision), and telephone number, to which inquiries
10 may be directed as to the location of such lines.

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

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

16 (4) Not more than two working days after receipt of a
17 request therefor from an architect who identifies the site of
18 excavation or demolition work for which he is preparing a
19 drawing, to inform him of the location and type of the user's
20 lines at such site.

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

25 (i) the location of any of the user's lines at such site;

26 (ii) the cooperative steps which the user may take, either
27 at or off the excavation or demolition site, to assist him in
28 avoiding damage to its lines;

29 (iii) suggestions for procedures that might be followed in
30 avoiding such damage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 6. This act shall not be deemed to amend or repeal
25 any other law or any local ordinance enacted pursuant to law
26 concerning the same subject matter, it being the legislative
27 intent that both this act and any such other law or local
28 ordinance shall have full force and effect. This act shall not
29 preclude the establishment of working agreements between users
30 and contractor associations to effect compliance with this act.

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

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