

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 2543** Session of  
1974

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INTRODUCED BY MESSRS. CESSAR, GEISLER, ZORD, KUSSE, BYERLY, BURKARDT, PARKER, MCGINNIS, KNEPPER, BRUNNER, DOYLE, NOVAK, ROMANELLI, KELLY, 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

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AS REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 9, 1974

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## 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 "DESIGNER" MEANS ANY ARCHITECT, ENGINEER OR OTHER PERSON WHO <—  
6 OR WHICH PREPARES A DRAWING FOR A CONSTRUCTION OR OTHER PROJECT  
7 WHICH REQUIRES EXCAVATION OR DEMOLITION WORK AS HEREIN DEFINED.

8 "Emergency" means any condition constituting a clear and  
9 present danger to life or property by reason of escaping gas,  
10 exposed wires, or other breaks or defects in A USER'S lines. <—

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

18 "Line" means an underground conductor used in providing  
19 electric or communication service, or an underground pipe used  
20 in providing ~~as~~ GAS, oil or oil product delivery, sewage, water <—  
21 or other service to one or more consumers of such service.

22 "Operator" means any individual in physical control of  
23 powered equipment or explosives when being used to perform  
24 excavation or demolition work

25 "Person" means an individual, partnership, corporation,  
26 governmental agency, or any other entity.

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

29 "User" means the public utility, municipal corporation,  
30 municipality, authority, rural electric cooperative or other

1 person who or which uses a line to provide service to one or  
2 more consumers.

3 "Working day" means any day except a Saturday, Sunday or  
4 legal holiday PRESCRIBED BY ACT OF THE GENERAL ASSEMBLY. <—

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

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

8 (i) the name of the user;

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

11 (iii) the user's office address (by street, number and  
12 political subdivision), and THE telephone number to which <—  
13 inquiries may be directed as to the location of such lines.

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

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

19 (4) Not more than two working days after receipt of a  
20 request therefor from ~~an architect~~ A DESIGNER who identifies the <—  
21 site of excavation or demolition work for which he is preparing  
22 a drawing, to ~~inform him of the~~ RESPOND TO HIS REQUEST FOR <—  
23 INFORMATION AS TO THE APPROXIMATE location and type of the  
24 user's lines at such site.

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

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

30 (ii) the cooperative steps which the user may take, either

1 at or off the excavation or demolition site, to assist him in  
2 avoiding damage to its lines;

3 (iii) suggestions for procedures that might be followed in  
4 avoiding such damage.

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

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

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

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

21 Section 4. It shall be the duty of each ~~architect~~ DESIGNER ←  
22 preparing a drawing requiring excavation or demolition work at a  
23 site within a political subdivision:

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

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

28 (3) To show upon the drawing the APPROXIMATE location and ←  
29 type of each line, derived pursuant to the request made as  
30 required by clause (2), the name of the user, and the user's

1 office address and telephone number as shown on the list  
2 referred to in clause (1).

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

6 (1) To ascertain the location and type of users' lines at  
7 such site, either by inspection of the ~~architect's~~ DESIGNER'S <—  
8 drawing made pursuant to section 4 or, if there be no such  
9 drawing, then by the same manner as that prescribed for an <—  
10 ~~architect~~ A DESIGNER in clauses (1) and (2) of section 4. <—

11 (2) Not less than three working days prior to the day of  
12 beginning such work, to request the information prescribed by  
13 subclauses (ii) and (iii) of clause (5) of section 2, from each  
14 such user's office designated on the ~~architect's~~ DESIGNER'S <—  
15 drawing or on the list of users obtained pursuant to clause (1)  
16 of section 4.

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

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

24 (5) To ~~immediately alert~~ ALERT IMMEDIATELY the occupants of <—  
25 premises as to any emergency that he may create or discover at  
26 or near such premises.

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

30 Section 6. This act shall not be deemed to amend or repeal

1 any other law or any local ordinance enacted pursuant to law  
2 concerning the same subject matter, it being the legislative  
3 intent that both this act and any such other law or local  
4 ordinance shall have full force and effect. This act shall not  
5 preclude the establishment of ONE-CALL SYSTEMS OR OTHER working <—  
6 agreements between users and ~~contractor associations~~ CONTRACTORS <—  
7 to effect compliance with this act.

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

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