

**PROPOSED REGULATION OF THE  
PUBLIC UTILITIES COMMISSION OF NEVADA**

**LCB File No. R153-07**

October 31, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-8, NRS 703.025.

A REGULATION relating to subsurface installations; revising certain provisions relating to excavations and demolitions near subsurface installations; requiring an excavator to request that an operator make additional marks to identify subsurface installations under certain circumstances; requiring excavators and operators to report any contact with, exposure of or damage to a subsurface installation that occurs on or after January 1, 2008, but before January 1, 2009, to the Regulatory Operations Staff of the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

**Section 1.** Chapter 455 of NAC is hereby amended by adding thereto a new section to read as follows:

*The excavator and the operator of a subsurface installation within the affected area of the proposed excavation or demolition shall, with respect to an excavation or demolition that occurs on or after January 1, 2008, but before January 1, 2009, report any contact with, exposure of or damage to the subsurface installation that results from the excavation or demolition to the Regulatory Operations Staff of the Commission not later than 5 business days after the contact, exposure or damage. The report must be made on the form made available by the Commission on its website.*

**Sec. 2.** NAC 455.015 is hereby amended to read as follows:

455.015 “Affected area of the proposed excavation or demolition” means the area that is:

1. Within the perimeter of the proposed area of the excavation or demolition; and

2. Within ~~[30]~~ 24 inches horizontally of the perimeter of the proposed area of the excavation or demolition.

**Sec. 3.** NAC 455.115 is hereby amended to read as follows:

455.115 ~~[1.—Except as otherwise provided in subsections 3 and 4, an]~~ An excavator who marks the proposed area of an excavation or demolition pursuant to the provisions of subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110 shall mark:

~~[(a)]~~ 1. The area before submitting a notification; and

~~[(b)]~~ 2. Only the area that can reasonably be excavated or demolished within ~~[14]~~ 28 calendar days after the date the excavator submitted the notification of the excavation or demolition to the association for operators pursuant to the provisions of NRS 455.110.

~~[2.—An excavator marking the proposed area of an excavation or demolition pursuant to subsection 1 shall mark in a manner consistent with the marking practices in the industry and shall mark with white:~~

~~—(a) The perimeter of the proposed excavation or demolition; or~~

~~—(b) The centerline and width of the proposed excavation or demolition.~~

~~—3.—If an excavator and all the operators of subsurface installations in the affected area of the proposed excavation or demolition agree to identify the proposed area of the excavation or demolition in another manner pursuant to the provisions of subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110, the excavator shall comply with the terms of that agreement.~~

~~—4.—Pursuant to subsection 1 of NRS 455.110, an excavator conducting an excavation or demolition that will expose only a subsurface installation owned or operated by the excavator is not required to notify an association for operators pursuant to NRS 455.110.]~~

**Sec. 4.** NAC 455.135 is hereby amended to read as follows:

455.135 1. Until an excavation or demolition is completed, an excavator shall maintain the marks:

(a) Of the proposed area of an excavation or demolition made by the excavator pursuant to the provisions of ~~subsections 2 and 3 of NAC 455.115;~~ *subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110;* and

(b) Of the approximate location of subsurface installations made by an operator pursuant to paragraph ~~(b)~~ (a) of subsection 1 of NAC 455.125.

2. *If the excavator determines that he will be unable to maintain the operator's marks because of the type of excavation or demolition being conducted, the excavator shall request that the operator make additional marks. The operator and excavator must agree on the type of additional marks, including, without limitation, offsets, whiskers, flags or any other marks that are consistent with industry practice. The operator shall provide the additional marks agreed upon by the operator and the excavator.*

3. If, before the commencement of an excavation or demolition or during an excavation or demolition the marks are removed, obliterated, covered or otherwise become disturbed or the excavator has concerns regarding the accuracy and meaning of the marks, the excavator shall ~~{};~~ *before confirming the exact location of the marked subsurface installations pursuant to NRS 455.137:*

(a) If the excavator has begun the excavation or demolition, cease the excavation or demolition ~~{};~~ *in the affected area;* and

(b) Submit a notification to the association for operators that requests the operators with subsurface installations in the affected area of the proposed excavation or demolition to mark ,

*confirm existing marks or make replacement marks for* the subsurface installations in the affected area of the proposed excavation or demolition.

~~{3. An excavator who submits a notification pursuant to the provisions of subsection 2 shall not commence an excavation or demolition until 2 working days after submitting the notification.}~~

*4. An excavator may, by submitting a notification to the association for operators, request that an operator make replacement marks if the existing marks are faded, partially removed or have otherwise been disturbed in such a manner that without the replacement marks the excavator will have to cease the excavation or demolition.*

**Sec. 5.** NAC 455.150 is hereby amended to read as follows:

455.150 1. An excavator conducting an excavation or demolition shall proceed in a careful and prudent manner.

2. In accordance with the provisions of NRS 455.137, the excavator shall, when conducting an excavation or demolition within the approximate location of a subsurface installation, determine the exact location of the subsurface installation by excavating with hand tools or by any other method agreed upon by the excavator and the operator having responsibility for the subsurface installation before using any mechanical equipment.

3. If, during the course of an excavation or demolition, an excavator is unable to determine the exact location of a subsurface installation within ~~{30}~~ 24 horizontal inches of a mark placed by an operator, the excavator shall notify immediately the association for operators and the operator who placed the mark.

4. If, during the course of an excavation or demolition, an excavator discovers any subsurface installation, the excavator shall provide the lateral and subjacent support of the

subsurface installation that is needed to ensure the protection and stability of the subsurface installation.

**Sec. 6.** NAC 455.165 is hereby amended to read as follows:

455.165 1. A notification submitted by an excavator to an association for operators is valid to conduct an excavation or demolition for ~~[14]~~ 28 calendar days after the date and time that the excavator provided the notification to the association for operators pursuant to the provisions of NRS 455.110.

2. An excavator may submit a request to the association for operators to extend the period for which the excavator may engage in the excavation or demolition by an additional ~~[14]~~ 28 calendar days.

3. At the time the excavator submits a request pursuant to the provisions of subsection 2, the excavator shall inform the association for operators whether an operator with subsurface installations within the affected area of the proposed excavation or demolition needs to make replacement marks identifying the location of a subsurface installation.

4. ~~[If the excavator informs the association for operators pursuant to the provisions of subsection 3 that replacement marks are not required,]~~ *The association for operators shall notify the operators of subsurface installations within the affected area of the extension of time for excavation or demolition, and* the period for which the excavator may engage in the excavation or demolition shall be deemed to be extended for ~~[14]~~ 28 calendar days.

~~[5.— If the excavator informs the association for operators pursuant to the provisions of subsection 3 that replacement marks are required, the association for operators shall transmit that notification to the operator of the subsurface installations within the affected area of the proposed excavation or demolition.~~

~~—6.— Except as otherwise provided in subsection 7, if an excavator informs the association for operators that replacement marks are required pursuant to the provisions of subsection 5, the excavator shall cease the excavation or demolition for 2 working days to permit an operator to locate, identify and mark the location of subsurface installations of the operator. Upon either the completion of the replacement marks by the operator or the expiration of the 2 working days during which an operator may make the replacement marks, whichever occurs first, the period for which the excavator may engage in the excavation or demolition shall be deemed to be extended for 14 calendar days.~~

~~—7.— If the excavator informs the association for operators that replacement marks are required and more than 2 working days remain of the period in which the excavator is permitted to engage in the excavation or demolition, the excavator may continue the excavation or demolition upon either the completion of the replacement marks by the operator or the expiration of the 2 working days during which an operator may make the replacement marks, whichever occurs first.~~

~~—8.]~~ **5.** An excavator may not request more than ~~{five}~~ *two* extensions of the period in which the excavator is permitted to engage in an excavation or demolition pursuant to the provisions of this section. ~~{Except as otherwise provided in NAC 455.170, if}~~ *If* the excavator needs additional time in which to engage in the excavation or demolition beyond the period afforded by the original notification and the ~~{five}~~ subsequent extensions, the excavator shall submit a new notification to the association for operators pursuant to the provisions of NRS 455.110.

**Sec. 7.** NAC 455.170 is hereby repealed.

**Sec. 8.** 1. This section and sections 1, 3, 4, 6 and 7 of this regulation become effective upon filing with the Office of the Secretary of State.

2. Sections 2 and 5 of this regulation become effective on July 1, 2008.

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**TEXT OF REPEALED SECTION**

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**455.170 Renewal of expired notification. (NRS 455.110, 703.025, 704.260, 704.280)**

1. In addition to the procedure for the extension of a notification provided pursuant to subsections 2 to 8, inclusive, of NAC 455.165, an excavator may submit a request to the association for operators to renew an expired notification.

2. If an excavator submits a request to renew a notification pursuant to the provisions of subsection 1, the excavator shall provide to the association for operators the reference number of the expired notification.

3. If, based on the reference number provided to the association for operators pursuant to the provisions of subsection 2, the association for operators is able to determine that it has a record of the expired notification, the association for operators shall verify with the excavator that the information contained in the expired notification is accurate.

4. If the association for operators determines that the information contained in the expired notification is accurate pursuant to the provisions of subsection 3, the association for operators shall transmit that notification to the operators of subsurface installations within the affected area of the excavation or demolition. The excavator shall not engage in the excavation or demolition for 2 working days to permit an operator to locate, identify and mark the location of subsurface installations of the operator. Upon either the completion of the replacement marks by the operator or the expiration of the 2 working days during which an operator may make the

replacement marks, whichever occurs first, the period for which the excavator may engage in the excavation or demolition shall be deemed to be renewed for 14 calendar days. An excavator may submit a request for the extension of a notification pursuant to the provisions of NAC 455.165 for a notification renewed pursuant to the provisions of this section.

5. If the association for operators determines that the information contained in the expired notification is not accurate pursuant to the provisions of subsection 3, the excavator shall submit a new notification to the association for operators pursuant to the provisions of this chapter and NRS 455.110.

6. If, based on the reference number provided to the association for operators pursuant to the provisions of subsection 2, the association for operators is unable to determine that it has a record of the expired notification, the excavator shall submit a new notification to the association for operators pursuant to the provisions of this chapter and NRS 455.110.

7. As used in this section, “expired notification” means a notification for which the period to engage in an excavation or demolition has expired without having been extended pursuant to the provisions of NAC 455.165 or renewed pursuant to the provisions of this section.