

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

LCB FILE NO. R139-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/12/2018**

PROPOSED REGULATION OF
THE PUBLIC UTILITIES COMMISSION OF NEVADA

Docket No. 18-03027

Explanation – Matter in ***bold italic*** is new; matter in ~~strike through~~ is material to be omitted.

AUTHORITY: § § 1 and 2, NRS 703.025, 704.210, 704.7821.

A REGULATION to amend certain regulations contained in Chapter 455 of the Nevada Administrative Code relating to Nevada’s One Call Law.

Section 1. NAC 455.160 is hereby amended to read as follows:

NAC 455.160 Duties of excavator: Causing or observing damage to subsurface installation during excavation or demolition. (NRS 455.140, 703.025, 704.260, 704.280)

1. If an excavator causes or observes any damage, including, without limitation, a scratch, kink, stretch mark or any other unusual condition, to a subsurface installation during an excavation or demolition, the excavator shall:

(a) Cease work on the excavation or demolition in the area around the damaged subsurface installation;

(b) If the damage to a subsurface installation causes the release of any natural and other gas, or hazardous liquid as defined in 49 C.F.R. Parts 192, 193, and 195, promptly report the release to appropriate emergency response authorities by calling telephone emergency 911 services;

~~(bc)~~ Inform the operator of the subsurface installation of the damage; and

~~(ed)~~ Except as otherwise provided in subsection 2, not backfill the area around the damaged subsurface installation until the operator of the subsurface installation has had a reasonable amount of time to inspect, maintain and repair the subsurface installation.

2. If the operator of a damaged subsurface installation consents, the excavator may backfill the area around a damaged subsurface installation without the inspection, maintenance or repair of the subsurface installation by the operator.

3. **Except as otherwise required by subsection 1, if** ~~if~~ the damaged subsurface installation presents an emergency, the excavator:

(a) In addition to the notification required pursuant to subsection 1, shall inform all appropriate local public service agencies or, if available, telephone emergency 911 services;

(b) Except as otherwise provided in paragraph (c), shall take reasonable steps to ensure public safety and to minimize the hazard presented by the damaged installation; and

(c) Shall not operate any valve or other device of the operator of the damaged subsurface installation while taking steps to ensure public safety and to minimize the hazard presented by the damaged installation.

(Added to NAC by Pub. Utilities Comm’n by R156-03, eff. 8-25-2004)

Section 2. NAC 455.163 is hereby repealed:

~~NAC 455.163 Reporting of contact with, exposure of or damage to subsurface installation. (NRS 455.140, 703.025, 704.260, 704.280)~~

~~1. 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. The report must be made on the form made available by the Commission on its website.~~

~~2. The excavator and the operator of a subsurface installation shall:~~

~~(a) Prepare the report described in subsection 1 for each calendar quarter; and~~

~~(b) File the report with the Regulatory Operations Staff of the Commission not later than 45 days after the last day of the calendar quarter.~~

~~3. As used in this section, “any contact with, exposure of or damage to the subsurface installation that results from the excavation or demolition” does not include:~~

~~(a) Exposure of a subsurface installation that does not result in any damage to the subsurface installation;~~

~~(b) Any contact with, exposure of or damage to a subsurface installation if the operator of the subsurface installation explicitly authorizes the excavator to contact, expose or damage the subsurface installation, unless the contact with, exposure of or damage to the subsurface installation results in death, serious physical harm or serious property damage beyond the damage to the subsurface installation; or~~

~~(c) Any contact with, exposure of or damage to a subsurface installation made by an operator if the subsurface installation is owned, operated or maintained by the operator, unless the contact with, exposure of or damage to the subsurface installation results in death, serious physical harm or serious property damage beyond the damage to the subsurface installation.~~

~~(Added to NAC by Pub. Utilities Comm’n by R153-07, eff. 1-30-2008)~~