

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

LCB File No. R049-20

August 17, 2021

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

AUTHORITY: § 1, NRS 704.260 and 704.280.

A REGULATION relating to subsurface installations; requiring a person who causes or observes damage to a subsurface installation while using hand tools to take certain actions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Public Utilities Commission of Nevada to regulate excavations and demolitions near subsurface installations. (NRS 455.080-455.180) Existing law further authorizes the Commission to adopt regulations to ensure adequate utility services and to protect public safety. (NRS 704.260, 704.280)

Existing regulations require an excavator who causes or observes any damage to a subsurface installation during an excavation or demolition to: (1) cease work on the excavation or demolition; (2) if the damage to the subsurface installation causes the release of certain gases or hazardous liquids, call emergency 911 services; (3) inform the operator of the subsurface installation; and (4) not backfill the area around the damaged subsurface installation until the operator has had time to inspect, maintain and repair the subsurface installation. (NAC 455.160, as amended by LCB File No. R139-18) This regulation requires a person who causes or observes any damage to a subsurface installation while working in the area of the subsurface installation using hand tools to engage in these same steps.

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

1. If a person causes or observes any damage, including, without limitation, a scratch, kink, stretch mark or any other unusual condition, to a subsurface installation while working in the area of the subsurface installation using hand tools, the person shall:

(a) Cease work in the area around the damaged subsurface installation;

(b) If the damage to the subsurface installation has caused the release of any gas or hazardous liquid, promptly report the release to the appropriate emergency response agencies by calling telephone emergency 911 services;

(c) Inform the operator of the subsurface installation of the damage; and

(d) 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. As used in this section:

(a) "Gas" means natural gas, other flammable gas or gas which is toxic or corrosive.

(b) "Hazardous liquid" means a liquid that is flammable or toxic, including, without limitation, petroleum, any petroleum product, anhydrous ammonia, ethanol and liquefied natural gas.

(c) "Liquefied natural gas" means natural gas or synthetic gas having methane (CH₄) as its major constituent which has been changed to a liquid.

(d) "Petroleum" means crude oil, condensate, natural gasoline, natural gas liquids and liquefied petroleum gas.

(e) "Petroleum product" means flammable, toxic or corrosive products obtained from distilling and processing crude oil, unfinished oils, natural gas liquids, blend stocks and other miscellaneous hydrocarbon compounds.