

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 930

Introduced by Watermeier, 1.

Read first time January 15, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the One-Call Notification System Act; to amend
2 sections 76-2320, 76-2323, and 76-2324, Reissue Revised
3 Statutes of Nebraska, and section 76-2301, Revised
4 Statutes Supplement, 2013; to require the presence of an
5 operator at certain excavations; to harmonize provisions;
6 and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2301, Revised Statutes Supplement,
2 2013, is amended to read:

3 76-2301 Sections 76-2301 to 76-2330 and section 3 of this
4 act shall be known and may be cited as the One-Call Notification
5 System Act.

6 Sec. 2. Section 76-2320, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-2320 Every operator shall furnish the vendor selected
9 by the board of directors with information concerning (1) the
10 location of its underground facilities and (2) those underground
11 facilities the operator designates as critical for purposes of
12 section 3 of this act. ~~Every operator having underground facilities~~
13 ~~in existence in this state on February 16, 1994, shall furnish such~~
14 ~~information to the vendor by April 3, 1995. The vendor shall have the~~
15 ~~center operational on October 2, 1995. The center shall be certified~~
16 ~~by the State Fire Marshal, and the certification shall be reviewed~~
17 ~~every two years to ensure continued compliance with federal law.~~

18 Sec. 3. Unless otherwise agreed by the operator and
19 excavator in writing, no excavation shall be performed within twenty-
20 five feet of an underground natural gas transmission line as defined
21 in 49 C.F.R. Part 192.3 or any underground facility designated a
22 critical facility by an operator unless a representative of the
23 operator of the underground natural gas transmission line or critical
24 facility is present at the planned excavation area.

25 Sec. 4. Section 76-2323, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 76-2323 (1) Upon receipt of the information contained in
3 the notice pursuant to section 76-2321, an operator shall advise the
4 excavator of the approximate location of underground facilities in
5 the area of the proposed excavation by marking or identifying the
6 location of the underground facilities with stakes, flags, paint, or
7 any other clearly identifiable marking or reference point and shall
8 indicate if the underground facilities are subject to section 3 of
9 this act. The location of the underground facility given by the
10 operator shall be within a strip of land eighteen inches on either
11 side of the marking or identification plus one-half of the width of
12 the underground facility. If in the opinion of the operator the
13 precise location of a facility cannot be determined and marked as
14 required, the operator shall provide all pertinent information and
15 field locating assistance to the excavator at a mutually agreed to
16 time. The location shall be marked or identified using color
17 standards prescribed by the center. The operator shall respond no
18 later than two business days after receipt of the information in the
19 notice or at a time mutually agreed to by the parties.

20 (2) The marking or identification shall be done in a
21 manner that will last for a minimum of five business days on any
22 nonpermanent surface and a minimum of ten business days on any
23 permanent surface. If the excavation will continue for longer than
24 five business days, the operator shall remark or reidentify the
25 location of the underground facility upon the request of the

1 excavator. The request for remarking or reidentification shall be
2 made through the center.

3 (3) An operator who determines that it does not have any
4 underground facility located in the area of the proposed excavation
5 shall notify the excavator of the determination prior to the date of
6 commencement of the excavation.

7 Sec. 5. Section 76-2324, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 76-2324 An excavator who fails to give notice of an
10 excavation pursuant to section 76-2321 or who fails to comply with
11 section 3 of this act and who damages an underground facility by such
12 excavation shall be strictly liable to the operator of the
13 underground facility for the cost of all repairs to the underground
14 facility. An excavator who gives the notice and who damages an
15 underground facility shall be liable to the operator for the cost of
16 all repairs to the underground facility unless the damage to the
17 underground facility was due to the operator's failure to comply with
18 section 76-2323. An excavator who fails to give notice of an
19 excavation pursuant to section 76-2321 and who damages an underground
20 facility that is operated by the excavator shall not be in violation
21 of the One-Call Notification System Act.

22 In addition to any liability provided in this section an
23 operator of a damaged underground facility shall be entitled to any
24 other remedies available at law or in equity provided by statute or
25 otherwise.

1 Sec. 6. Original sections 76-2320, 76-2323, and 76-2324,
2 Reissue Revised Statutes of Nebraska, and section 76-2301, Revised
3 Statutes Supplement, 2013, are repealed.