

**COMMITTEE ON ENERGY AND ENVIRONMENTAL
PROTECTION**

04/08/15-REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 31-0004

Thirty-first Legislature of the Virgin Islands

February 4, 2015

An Act amending title 31 Virgin Islands Code, Part I. adding chapter 2 requiring notification to the public and utility companies before undertaking excavation of public or private lands and roadways

PROPOSED BY: Senator Janette Millin Young

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 31 Virgin Islands Code, Part I, is amended by adding chapter 2 to
3 read as follows:

4 **“Chapter 2 Utility Excavation Notification Center**

5 **§21.** The Commissioner of Public Works shall establish a utility excavation notification
6 center within the Department of Public Works, and notify the public and private utility
7 companies, as follows:

8 **§22.** Except in an emergency, an excavator shall contact the notification center and
9 provide notice at least 48 hours, excluding Saturdays, Sundays, and holidays and not more than
10 14 calendar days before beginning any excavation on public or private lands where utilities are

1 located. An excavation, for purposes of this requirement, is the first time excavation in an area
2 that was not previously identified by the excavator in the notice.

3 §23. (a) The notice may be oral, including a telephone call, or written, including email or
4 other electronic devices, and must contain the name of the individual providing notice; the
5 precise location of the proposed area of excavation; the name, address, and telephone number of
6 the individual or individual's company; the field telephone number, if one is available; the type
7 and extent of the activity; whether or not the discharge of explosives is anticipated; the date and
8 time when the excavation is to commence; and the estimated duration of the activity.

9 (b) Prior to the excavation start time of notice, an operator shall locate and mark or
10 otherwise provide the approximate horizontal location of the underground facilities of the
11 operator and provide readily available information regarding the operator's abandoned and out-
12 of-service underground facilities as shown on maps, drawings, diagrams, or other records used in
13 the operator's normal course of business, without cost to the excavator.

14 §24. (a) Any person, prior to soliciting bids or entering into a contract for excavation,
15 shall provide a proposed notice to the notification center to obtain from the affected operators of
16 underground facilities the type, size and general location of underground facilities. Affected
17 operators shall provide the information within 15 working days. An operator who provide
18 information to a person who is not a unit of government may indicate any portions of the
19 information which are proprietary and may require the person to provide appropriate
20 confidentiality protection.

21 (b) The excavator shall determine the precise location of the underground facility,
22 without damage, before excavating within two feet on either side of the marked location of the
23 underground facility. If the excavator cancels the excavation, the excavator shall cancel the
24 notice through the notification center.

1 (c) This subdivision does not apply to bids and contracts for: (i) routine maintenance
2 of underground facilities or installation, maintenance, or repair of services lines; (ii) excavation
3 for operators of underground facilities performed on a unit of work or similar basis; or (iii)
4 excavation for home construction and projects by home owners.

5 (d) The notification center shall assign an inquiry identification number to each
6 notice and retain a record of all notices received for at least six years. The center shall
7 immediately transmit the information contained in a notice to every operator or utility company
8 that has an underground facility in the area of the proposed excavation.

9 §25. The Commissioner of Public Works shall promulgate regulations, in consultation
10 with the various utility operators and shall publish the final regulations pursuant to title 3 Virgin
11 Islands Code chapter 35.”

12 BILL SUMMARY

13
14 The intent of this Bill is to establish an excavation notification center within the
15 Department of Public Works to apprise the public and utility companies of proposed excavation
16 in indentified areas so as to minimize damage to underground cables or other buried devices that
17 may be underground and to have the public use other roadways available away from the
18 excavation site.
19

20

21

22 **BR15-0018/January 16, 2015/AA**

23

24

25

26

27

28