

FIRST REGULAR SESSION

SENATE BILL NO. 408

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1482S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to excavation permits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto
2 one new section, to be known as section 67.5275, to read as
3 follows:

67.5275. 1. All political subdivisions shall require
2 an excavation permit to perform excavation work involving
3 directional boring in any residential area. Such permits
4 shall require the following:

5 (1) The utility provider, contractor, and
6 subcontractor for any excavation work shall be listed on the
7 excavation permit and all shall be listed as insureds on the
8 certificate of insurance for the work;

9 (2) Any utility provider, contractor, and
10 subcontractor shall hold no more than ten excavation permits
11 involving directional boring with a political subdivision at
12 one time;

13 (3) All boring equipment shall be calibrated in
14 accordance with the specifications of the manufacturer and a
15 calibration check shall:

16 (a) Occur at least once per day;

17 (b) Occur at any time the location for the boring head
18 is determined to be unknown during operations;

19 (c) Be conducted to ensure that the equipment is
20 correctly calibrated so it functions properly; and

21 (d) Include a log which the supervisor shall keep on
22 the project site indicating the performance of any
23 calibration or check, including a signature verifying that
24 the check was witnessed. Such log shall be made available
25 to the political subdivision upon request at any time;

26 (4) All utility crossings shall occur at a pothole and
27 new potholes shall be dug at any location where the boring
28 equipment is determined to be crossing the utility;

29 (5) Depth of the boring equipment shall be noted upon
30 the ground in white spray paint at all utility crossing
31 locations;

32 (6) Independent, third-party safety monitors shall be
33 required to oversee active directional boring operations,
34 and the number of safety monitors required to work with each
35 crew during directional boring operations in residential
36 areas shall be as follows:

37 (a) Utility providers, contractors, and subcontractors
38 with one to four permits shall have one safety monitor;

39 (b) Utility providers, contractors, and subcontractors
40 with five to seven permits shall have two safety monitors;
41 and

42 (c) Utility providers, contractors, and subcontractors
43 with eight to ten permits shall have three safety monitors;

44 (7) Independent, third-party safety monitors shall be
45 present during the preconstruction meetings and be present
46 on site when any directional boring operations are taking
47 place in residential areas. If the safety monitor observes
48 any practices that are contrary to regulations, the safety
49 monitor shall immediately inform the political subdivision.
50 Failure to have the required number of safety monitors while

51 directional boring is occurring shall impact the issuances
52 of additional permits to the utility provider, contractor,
53 or subcontractor and may result in suspension of existing
54 permits until the required number of safety monitors is
55 reached.

56 2. Any utility provider, contractor, or subcontractor
57 who violates any applicable laws or regulations, including
58 striking or otherwise damaging a utility facility or any
59 shovel strikes to a gas line, shall submit a report to the
60 political subdivision on the violation which shall include
61 information on the cause of the violation and any person
62 responsible. The safety monitor present shall also submit a
63 report on the violation. The political subdivision shall
64 have ten days from the time of the submission of the report
65 to review such report and may impose further conditions or
66 requirements for any work moving forward. The utility
67 provider, contractor, and subcontractor shall comply with
68 any additional conditions or requirements designed to
69 prevent such violation from occurring again.

70 3. Any utility provider, contractor, and subcontractor
71 who strikes or otherwise damages any equipment or facilities
72 of a gas corporation as defined in section 386.020 shall
73 submit a report on the violation which shall include
74 information on the cause of the violation and any person
75 responsible. The safety monitor present shall also submit a
76 report on the violation. Representatives of the utility
77 provider, contractor, and subcontractor and the safety
78 monitor shall be required to meet with the political
79 subdivision to discuss and review the incident report and
80 develop possible resolutions or operational changes to
81 prevent the same violation from reoccurring. The excavation
82 permits shall be suspended until the violation has been

83 resolved and the political subdivision reestablishes the
84 permit. The political subdivision may impose further permit
85 conditions and requirements if the conditions and
86 requirements are designed to prevent a similar violation
87 from occurring. A fee of one thousand dollars shall be paid
88 to the city for any violation under this subsection and work
89 shall not resume until such fee is paid.

90 4. Following three violations of the provisions of
91 subsections 2 or 3 of this section within a ninety day
92 period, any existing excavation permits issued to the
93 utility provider, contractor, or subcontractor shall be
94 revoked and no new building or excavation permits shall be
95 issued until the utility provider, contractor, and
96 subcontractor has:

97 (1) Revised its operations and procedures to ensure
98 that no violations occur;

99 (2) Submitted its new operational plan to the
100 political subdivision for approval;

101 (3) Received approval from the political subdivision
102 which the political subdivision has twenty-one days from
103 receiving such operational plan to approve or deny; and

104 (4) Undertaken limited direction boring not exceeding
105 one hundred linear feet per day using the procedures
106 outlined in the new operational plan for ten days without a
107 violation.

108 A fee of one thousand dollars shall be paid by the utility
109 provider, contractor, or subcontractor to the political
110 subdivision for three violations of subsection 2 of this
111 section, and a fee of two thousand five hundred dollars
112 shall be paid by the utility provider, contractor, and

113 subcontractor to the political subdivision for three
114 violations of subsection 3 of this section.

115 5. These provisions shall not apply to public right-of-
116 way permits issued pursuant to sections 67.1830 to 67.1846.

117 6. As used in this section, the term "utility
118 provider" shall include any gas corporation, electrical
119 corporation, water corporation, heating company, sewer
120 corporation, and heating company or refrigerating
121 corporation, as such terms are defined in section 386.020.

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