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Table of Contents

Nevada Revised Statutes	2
Nevada Administration Code	15

Excavation or Demolition Near Subsurface Installation

NRS 455.080 Definitions. As used in NRS 455.080 to 455.180, inclusive, unless the context otherwise requires, the words and terms defined in NRS 455.082 to 455.105, inclusive, have the meanings ascribed to them in those sections.

NRS 455.082 “Approximate location of a subsurface installation” defined. “Approximate location of a subsurface installation” means a strip of land not more than 24 inches on either side of the exterior surface of a subsurface installation. The term does not include the depth of the subsurface installation.

NRS 455.084 “Association for operators” defined. “Association for operators” means an organization that receives notifications pursuant to subsection 1 of NRS 455.110 and transmits such notifications to its members.

NRS 455.086 “Damage” defined. “Damage” means:

1. The substantial weakening of the structural or lateral support of a subsurface installation;
2. The penetration or destruction of any protective coating, housing or other protective device of a subsurface installation; or
3. The partial or complete severance of a subsurface installation.

NRS 455.088 “Demolition” defined. “Demolition” means the wrecking, razing, rendering, movement or removal of a structure or mass of material by means of tools, equipment or the placement and discharge of explosives.

NRS 455.090 “Emergency” defined. “Emergency” means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services.

NRS 455.092 “Excavation” defined. “Excavation” means the movement or removal of earth, rock or other material in or on the ground by use of mechanical equipment or by the placement and discharge of explosives. The term includes augering, backfilling, boring, digging, ditching, drilling, grading, plowing-in, ripping, scraping, trenching and tunneling.

NRS 455.093 “High consequence subsurface installation” defined. “High consequence subsurface installation” means the following types of subsurface installations:

1. A high-pressure natural gas pipeline with a normal operating pressure greater than 100 pounds per

- square inch gauge;
- 2. A petroleum pipeline;
- 3. A pressurized sewage pipeline or force main;
- 4. A high-voltage electric supply line, conductor or cable that has a phase-to-phase potential of 115 kilovolts or more;
- 5. A high-capacity water pipeline that is 18 inches or more in diameter;
- 6. An optical carrier level communications line and any related facility;
- 7. A hazardous materials pipeline; or
- 8. Any other subsurface installation that if damaged will interrupt services provided by any facility or agency that provides health or safety services to the public, including, without limitation, hospitals, law enforcement agencies, armed forces, firefighting agencies, detention centers, air traffic control, emergency operation centers, telecommunication towers and water or sewer treatment plants.

NRS 455.094 “Mechanical equipment” defined. “Mechanical equipment” means equipment operated by mechanical power, including a trencher, bulldozer, power shovel, auger, backhoe, scraper, drill, cable or pipe plow or any other equipment used for plowing-in cable or pipe.

NRS 455.096 “Operator” defined. “Operator” means any person who owns, operates or maintains a subsurface installation. The term does not include the Department of Transportation.

NRS 455.098 “Person” defined. “Person” includes a government, governmental agency or political subdivision of a government.

NRS 455.099 “Sewer main” defined. “Sewer main” means a sewer line with a diameter that exceeds 6 inches.

NRS 455.0995 “Sewer service lateral” defined. “Sewer service lateral” means a pipe or conduit that connects a building or other property to a sewer main.

NRS 455.101 “Subsurface installation” defined. “Subsurface installation” means a pipeline, force main, supply line, conductor, conduit, cable, duct, wire, communications line, sewer line, storm drain, other drain line or other structure that is located underground.

NRS 455.103 “Unexpected occurrence” defined. “Unexpected occurrence” includes, but is not limited to, fire, flood, earthquake

or other cause of the movement of the soil, or a riot, an accident, a motor vehicle crash or an act of sabotage that causes damage to a subsurface installation which requires immediate repair.

NRS 455.105 “Working day” defined. “Working day” means every day from 7 a.m. to 5 p.m., except Saturday, Sunday and any federal or state holiday.

NRS 455.107 Exemption from compliance with statutory provisions.

1. Except as otherwise provided in subsection 2, possession of a permit to conduct an excavation or demolition does not exempt a person from complying with the provisions of NRS 455.080 to 455.180, inclusive.
2. A person is exempt from complying with the provisions of NRS 455.080 to 455.180, inclusive, if the person obtains the written consent of all operators involved in the proposed excavation or demolition before the person receives a permit to conduct the excavation or demolition.

NRS 455.110 Notification of association for operators required; marking proposed area of excavation or demolition; exception.

1. Except as otherwise provided in subsection 2, a person shall not begin an excavation or demolition if the excavation or demolition is to be conducted in an area that is known or reasonably should be known to contain a subsurface installation, except a subsurface installation owned or operated by the person conducting the excavation or demolition, unless the person:
 - (a) Notifies the appropriate association for operators pursuant to NRS 455.120, at least 2 working days but not more than 28 calendar days before excavation or demolition is scheduled to commence. The notification may be written or provided by telephone and must state the name, address and telephone number of the person who is responsible for the excavation or demolition, the starting date of the excavation or demolition, anticipated duration and type of excavation or demolition to be conducted, the specific area of the excavation or demolition and whether explosives are to be used.
 - (b) Cooperates with the operator in locating and identifying its subsurface installation by:
 - (1) Meeting with its representative as

- requested; and
 - (2) Making a reasonable effort that is consistent with the practice in the industry to mark with white paint, flags, stakes, whiskers or another method that is agreed to by the operator and the person who is responsible for the excavation or demolition, the proposed area of the excavation or demolition.
2. A person responsible for emergency excavation or demolition is not required to comply with the provisions of subsection 1 if there is a substantial likelihood that loss of life, health or property will result before the provisions of subsection 1 can be fully complied with. The person shall notify the operator of the action the person has taken as soon as practicable.

NRS 455.115 Record of notification of excavation or demolition; provision of names of operators to whom notice is transmitted by association for operators.

1. An association for operators who receives notification pursuant to NRS 455.110 by telephone and an operator who receives notification of a proposed excavation or demolition by telephone shall keep a written record of the notification for 6 years. The record must include, but is not limited to, the following information:
- (a) The name of the person initiating the telephone call;
 - (b) The name, address and telephone number of the person who is responsible for the excavation or demolition;
 - (c) The starting date and anticipated duration of the excavation or demolition;
 - (d) The type of excavation or demolition to be conducted;
 - (e) The specific area of the excavation or demolition; and
 - (f) Whether explosives are to be used.
2. If a person makes a notification to an association for operators pursuant to NRS 455.110, the association for operators shall provide to the person the names of the operators to whom the notice is transmitted by the association.

NRS 455.120 Operator required to join association for operators to receive notification; statement to be filed with county clerk identifying association; record of notification received by telephone. An operator shall:

1. Join an association for operators to receive the

notification required pursuant to paragraph (a) of subsection 1 of NRS 455.110 for its members.

2. File a statement with the clerk of the county in which the business of the operator is located:
 - (a) Containing the name, telephone number and address of the association; and
 - (b) Describing the geographical area served by the association for operators.
3. Make a written record of each notification of a proposed excavation or demolition that the operator receives by telephone.

NRS 455.125 Duties of operator of sewer main upon receipt of notification concerning sewer service lateral. If an operator of a sewer main receives notice through an association for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110:

1. For a proposed excavation or demolition, the operator of the sewer main shall provide the person responsible for the excavation or demolition with the operator's best available information regarding the location of the connection of the sewer service lateral to the sewer main. The operator shall convey the information to the person responsible for the excavation or demolition in such manner as is determined by the operator which may include any one or more of the following methods, without limitation:
 - (a) Identification of the location of the connection of the sewer service lateral to the sewer main;
 - (b) Providing copies of documents relating to the location of the sewer service lateral within 2 working days; or
 - (c) Placement of a triangular green marking along the sewer main or the edge of the public right-of-way, pointing toward the real property serviced by the sewer service lateral to indicate that the location of the sewer service lateral is unknown.
2. The operator of a sewer main shall make its best efforts to comply with paragraph (a) or (c) of subsection 1 within 2 working days. If an operator of a sewer main cannot complete the requirements of paragraph (a) or (c) of subsection 1 within 2 working days, then the operator and the person responsible for the excavation or demolition must mutually agree upon a reasonable amount of time within which the operator must comply.
3. A government, governmental agency or political subdivision of a government that operates a sewer main:
 - (a) Except as otherwise provided in subsection 4, in a county with a population of 45,000 or

more may not charge a person responsible for excavation or demolition in a public right-of-way for complying with this section.

- (b) In a county with a population of less than 45,000 may charge a person responsible for excavation or demolition in a public right-of-way for complying with this section in an amount that does not exceed the actual costs for the operator for compliance with this section. Costs assessed pursuant to this paragraph are not subject to the provisions of NRS 354.59881 to 354.59889, inclusive.
4. A government, governmental agency or political subdivision that operates a sewer main in a county with a population of 45,000 or more may charge a person responsible for excavation or demolition in a public right-of-way for complying with this section in an amount that does not exceed the actual costs for the operator for compliance with this section if:
- (a) The sewer system of the operator services not more than 260 accounts; and
 - (b) There is no natural gas pipeline located within the service area of the operator of the sewer main.
- ↳ Costs assessed pursuant to this subsection are not subject to the provisions of NRS 354.59881 to 354.59889, inclusive.
5. If the operator of a sewer main has received the information required pursuant to NRS 455.131 or has otherwise identified the location of the sewer service lateral in the public right-of-way, then the operator of the sewer main shall be responsible thereafter to identify the location of the sewer service lateral from that information.

NRS 455.127 Duty of operator of sewer main to maintain certain information relating to locations of connections. An operator of a sewer main shall maintain all information relating to the locations of connections of sewer service laterals to the sewer main:

- 1. Developed by the operator pursuant to NRS 455.125; or
- 2. Provided to the operator pursuant to subsection 2 of NRS 455.131.

NRS 455.129 Operator of sewer main does not assume further duties or responsibilities for compliance with provisions. An operator of a sewer main who is not otherwise required by law to be responsible for the maintenance, operation, ownership or

repair of a sewer service lateral that connects to the sewer main does not assume any further duty with respect to a sewer service lateral pursuant to this chapter nor become responsible for the maintenance, operation, ownership or repair of the sewer service lateral that connects to the sewer main solely because the operator complied with the provisions of NRS 455.080 to 455.180, inclusive.

NRS 455.130 Duties of operator upon receipt of notification concerning certain subsurface installations.

1. Except in an emergency or as otherwise provided in subsection 2 or NRS 455.125, if an operator receives notice through an association for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110, the operator shall:
 - (a) Locate and identify the subsurface installations and, if known, the number of subsurface installations that are affected by the proposed excavation or demolition to the extent and to the degree of accuracy that the information is available in the records of the operator or can be determined by using techniques of location that are commonly used in the industry, except excavating, within 2 working days or within a time mutually agreed upon by the operator and the person who is responsible for the excavation or demolition;
 - (b) Remove or protect a subsurface installation as soon as practicable if the operator decides it should be removed or protected; and
 - (c) Advise the person who contacted the association for operators of the location of the subsurface installations of the operator that are affected by the proposed excavation or demolition.
2. The operator shall notify the person who contacted the association for operators if the operator has no subsurface installations that are affected by the proposed excavation or demolition.

NRS 455.131 Use of permanent device to identify location of certain subsurface installations required; options for operator of sewer main.

1. Except as otherwise provided in subsection 2, an operator shall, for each subsurface installation that is installed on or after October 1, 2005, which cannot be detected from or above the surface of the ground by means of either the material used in constructing the subsurface installation or a conductor within the subsurface installation, install a permanent device which designates or provides a means of detecting

- a subsurface installation through the use of a noninvasive method from or above the surface of the ground. Such a device includes, without limitation, a tracer wire or a marker.
2. A person who connects a sewer service lateral to a sewer main shall, at the option of the operator of the sewer main:
 - (a) Install a permanent device as described in subsection 1 of a type designated by the operator of the sewer main at the connection of the sewer service lateral to the sewer main and where the sewer service lateral exits the public right-of-way and promptly provide the operator of the sewer main with the location of such permanent devices;
 - (b) Promptly provide the operator of the sewer main with the location of the connection of the sewer service lateral to the sewer main and where the sewer service lateral exits the public right-of-way as described by global positioning system coordinates which:
 - (1) Are either identified by latitude and longitude using decimal degrees or are identified using coordinates of the Universal Transverse Mercator system; and
 - (2) Specify for each coordinate whether the North American Datum of 1927, North American Datum of 1983 or the World Geodetic System 1984 was used; or
 - (c) Provide to the operator of the sewer main notification of when the sewer service lateral is exposed so that the operator of the sewer main can identify the location of the sewer service lateral.
 3. As used in this section:
 - (a) “Above ground marker” is a marker which is installed flush with the surface of the ground or which protrudes above the surface of the ground above a subsurface installation and includes information concerning the subsurface installation.
 - (b) “Electronic marker” is a marker which is buried at various depths below or near the surface of the ground above a subsurface installation and which contains a passive antenna that:
 - (1) Can be identified with detection equipment; and
 - (2) Does not require an internal power source.
 - (c) “Marker” is a device that physically designates

the location of a subsurface installation at intermittent locations along or above the subsurface installation and includes, without limitation, an above ground marker or electronic marker.

- (d) "Tracer wire" is a locating wire which is installed in conjunction with a subsurface installation and is connected to a transmitter that carries a signal which is read by a receiver above the surface of the ground for the detection of the location of the subsurface installation.

NRS 455.133 Criteria and colors for marking location of subsurface installation: Regulations of Public Utilities Commission of Nevada.

1. An operator who marks the approximate location of a subsurface installation shall make a reasonable effort to make the markings in a manner that is consistent with the practice in the industry. The operator shall use the identifying criteria and colors set forth in the regulations of the Public Utilities Commission of Nevada for the markings.
2. In adopting regulations setting forth the criteria and colors to be used pursuant to this section, the Public Utilities Commission of Nevada shall use nationally accepted standards for the identifying criteria and colors for marking subsurface installations.

NRS 455.137 Determination of location of subsurface installation required before mechanical equipment may be used.

1. Except as otherwise provided in subsection 2, the person responsible for an excavation or demolition shall, before using any mechanical equipment, determine the exact location of a subsurface installation that is affected by the excavation or demolition by excavating with hand tools or by any other method agreed upon by the person responsible for the excavation or demolition and the operator within the approximate location of the subsurface installation as designated by markings made in accordance with NRS 455.133.
2. A person may use mechanical equipment for the removal of pavement if there are no subsurface installations contained in the pavement.
3. If the exact location of a subsurface installation cannot be determined by using hand tools, the person responsible for an excavation or demolition shall request the operator to provide additional information to locate the installation. The operator shall, within 1

working day, provide any information that is available to the operator to enable the person responsible for the excavation or demolition to determine the exact location of the installation.

NRS 455.140 Duties of person responsible for contact with, exposure of or damage to subsurface installation.

1. Each person responsible for any excavation or demolition that results in contact with, exposure of or damage to a subsurface installation shall:
 - (a) Notify the operator of the location and nature of the damage; and
 - (b) Allow the operator reasonable time, consistent with the practice in the industry, to arrange for and to make any necessary repairs to the subsurface installation before completing the excavation or demolition in the immediate area of the subsurface installation.
2. Each person responsible for any excavation or demolition that results in any damage to a subsurface installation which permits the escape of water, of any flammable, toxic or corrosive gas or liquid, or of electricity, shall:
 - (a) Notify the operator; and
 - (b) Minimize the hazard until the arrival of the personnel of the operator.

NRS 455.150 Release from liability for cost of repairs to subsurface installation. Any person who substantially complies with the provisions of NRS 455.080 to 455.180, inclusive, is not liable for the cost of repairing any damage to a subsurface installation which results from the person's excavation or demolition.

NRS 455.160 Injunctive relief.

1. The Regulatory Operations Staff of the Public Utilities Commission of Nevada, the Attorney General, an operator, a person conducting an excavation or demolition, or the district attorney of a county or the city attorney of a city in which there is an excavation or demolition or a proposed excavation or demolition which he or she believes may cause death, serious physical harm or serious property damage may file a complaint in the district court for the county seeking to enjoin the activity or practice of an operator or a person who is responsible for the excavation or demolition.
2. Upon the filing of a complaint pursuant to subsection 1, the court may issue a temporary restraining order before holding an evidentiary hearing.

NRS 455.170 Civil penalty: Action for enforcement; amount; considerations; reimbursement for cost of prosecution; judicial review.

1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the Public Utilities Commission of Nevada by the Attorney General, a district attorney, a city attorney, the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the governmental agency that issued the permit to conduct an excavation or demolition, an operator or a person conducting an excavation or demolition.
2. Except as otherwise provided in subsection 4, in addition to any other penalty provided by law, any person who willfully or repeatedly violates a provision of NRS 455.080 to 455.180, inclusive, is liable for a civil penalty:
 - (a) Not to exceed \$2,500 per day for each violation; and
 - (b) Not to exceed \$250,000 for any related series of violations within a calendar year.
3. Except as otherwise provided in subsections 2 and 4, any person who negligently violates any such provision is liable for a civil penalty:
 - (a) Not to exceed \$1,000 per day for each violation; and
 - (b) Not to exceed \$50,000 for any related series of violations within a calendar year.
4. The maximum civil penalty imposed pursuant to this section may be tripled for each violation that involves contact with, or that occurs less than 24 horizontal inches from a high consequence subsurface installation, regardless of the depth of the location of the high consequence subsurface installation. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty shall be determined by the Public Utilities Commission of Nevada.
5. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the Public Utilities Commission of Nevada shall consider:
 - (a) The gravity of the violation;
 - (b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.080 to 455.180, inclusive, before and after the violation;
 - (c) Any history of previous violations of the provisions of NRS 455.080 to 455.180, inclusive, by the person charged with the violation;

- (d) The willfulness or negligence of the person charged with the violation in failing to comply with the provisions of NRS 455.080 to 455.180, inclusive;
 - (e) The timeliness of notification of the violation to the Public Utilities Commission of Nevada by the person charged with the violation;
 - (f) The cooperation of the person charged with the violation in the investigation and repair of any damage caused by the violation; and
 - (g) Whether an interruption of services occurred as a result of the violation.
6. Except as otherwise provided in this subsection, a civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost incurred in prosecuting the matter. If the Regulatory Operations Staff of the Public Utilities Commission of Nevada initiates the action, a civil penalty recovered pursuant to this section must be deposited in the State General Fund.
7. Any person aggrieved by a determination of the Public Utilities Commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS 703.373.

NRS 455.180 Civil remedies preserved; additional civil remedy not created. The provisions of NRS 455.080 to 455.170, inclusive, do not affect any civil remedies provided by law for personal injury or property damage and do not create a new civil remedy for any personal injury or property damage.

GENERAL PROVISIONS

NAC 455.010 Definitions. (NRS 703.025, 704.260, 704.280) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 455.015 to 455.095, inclusive, have the meanings ascribed to them in those sections.

NAC 455.015 “Affected area of the proposed excavation or demolition” defined. (NRS 703.025, 704.260, 704.280) “Affected area of the proposed excavation or demolition” means the area that is:

1. Within the perimeter of the proposed area of the excavation or demolition; and
2. Within 24 inches horizontally of the perimeter of the proposed area of the excavation or demolition.

NAC 455.020 “Approximate location of a subsurface installation” defined. (NRS 703.025, 704.260, 704.280) “Approximate location of a subsurface installation” has the meaning ascribed to it in NRS 455.082.

NAC 455.025 “Association for operators” defined. (NRS 703.025, 704.260, 704.280) “Association for operators” has the meaning ascribed to it in NRS 455.084.

NAC 455.030 “Commission” defined. (NRS 703.025, 704.260, 704.280) “Commission” means the Public Utilities Commission of Nevada.

NAC 455.035 “Damage” defined. (NRS 703.025, 704.260, 704.280) “Damage” has the meaning ascribed to it in NRS 455.086.

NAC 455.040 “Demolition” defined. (NRS 703.025, 704.260, 704.280) “Demolition” has the meaning ascribed to it in NRS 455.088.

NAC 455.045 “Emergency” defined. (NRS 703.025, 704.260, 704.280) “Emergency” has the meaning ascribed to it in NRS 455.090.

NAC 455.050 “Excavation” defined. (NRS 703.025, 704.260, 704.280) “Excavation” has the meaning ascribed to it in NRS 455.092.

NAC 455.055 “Excavator” defined.

(NRS 703.025, 704.260, 704.280) “Excavator” means any person who directly or through an employee performs an excavation or demolition.

NAC 455.060 “Identify” defined.

(NRS 703.025, 704.260, 704.280) “Identify” means to describe:

1. The type of a subsurface installation; and
2. If the subsurface installation has a diameter or width of more than 2 inches, the diameter or width and composition of the subsurface installation, if reasonably known.

↪ The term does not include describing the depth of a subsurface installation.

NAC 455.065 “Locate” defined.

(NRS 703.025, 704.260, 704.280) “Locate” means to determine the location of a subsurface installation. The term does not include determining the depth of the subsurface installation.

NAC 455.067 “Marking practices in the industry”

defined. (NRS 703.025, 704.260, 704.280) “Marking practices in the industry” means the marking standards adopted by reference in NAC 455.105.

NAC 455.070 “Notification” defined.

(NRS 703.025, 704.260, 704.280) “Notification” means a notice of an excavation or demolition submitted by an excavator to an association for operators.

NAC 455.075 “Operator” defined.

(NRS 703.025, 704.260, 704.280) “Operator” has the meaning ascribed to it in NRS 455.096.

NAC 455.080 “Person” defined.

(NRS 703.025, 704.260, 704.280) “Person” has the meaning ascribed to it in NRS 455.098.

NAC 455.085 “Proposed area of the excavation or demolition”

defined. (NRS 703.025, 704.260, 704.280) “Proposed area of the excavation or demolition” means the area identified by the excavator pursuant to the provisions of NAC 455.115 and subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110.

NAC 455.090 “Subsurface installation” defined.

(NRS 703.025, 704.260, 704.280) “Subsurface installation” has the meaning ascribed to it in NRS 455.101.

NAC 455.095 “Working day” defined.

(NRS 703.025, 704.260, 704.280) “Working day” has the meaning ascribed to it in NRS 455.105.

NAC 455.100 “Association for operators” deemed to be Underground Service Alert North.

(NRS 455.084, 703.025, 704.260, 704.280) For the purposes of this chapter and NRS 455.080 to 455.180, inclusive, the “association for operators,” as described in NRS 455.084, shall be deemed to be Underground Service Alert North, or its successor organization.

EXCAVATION OR DEMOLITION NEAR SUBSURFACE INSTALLATION

NAC 455.105 Marking standards: Adoption by reference; availability. (NRS 455.133, 703.025, 704.260, 704.280)

1. The Commission hereby adopts by reference the marking standards described in the:
 - (a) “Uniform Color Code”;
 - (b) “Guidelines for Excavation Delineation”;
 - (c) “Guidelines for Operator’s Facility Field Delineation,”

↪ as set forth in Appendix B of Best Practices Version 3.0, published by the Common Ground Alliance.

2. A copy of this publication can be obtained from the Common Ground Alliance, free of charge, at the Internet address <http://www.commongroundalliance.com/>.

NAC 455.107 Marking standards: Controlling provisions.

(NRS 455.133, 703.025, 704.260, 704.280) If there is a conflict between the marking practices in the industry and the other provisions of this chapter, the other provisions of this chapter control.

NAC 455.110 Notification of association for operators: Required information. (NRS 455.110, 703.025, 704.260, 704.280)

In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 455.110, an excavator submitting a notification shall provide to the association for operators:

1. If applicable, the number of the facsimile machine at which the excavator can receive documents;

2. If applicable, the electronic mail address at which the excavator can be contacted;
3. If the affected area of the proposed excavation or demolition was the subject of a previous notification submitted by the excavator, information relating to the previous notification; and
4. Any additional information relating to the excavation or demolition that is requested by the association for operators.

NAC 455.115 Marking of proposed area of excavation or demolition; exemption from requirement for notification.

(NRS 455.110, 703.025, 704.260, 704.280)

1. Except as otherwise provided in subsections 3 and 4, an excavator who marks the proposed area of an excavation or demolition pursuant to the provisions of subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110 shall mark:
 - (a) The area before submitting a notification; and
 - (b) Only the area that can reasonably be excavated or demolished within 14 calendar days after the date the excavator submitted the notification of the excavation or demolition to the association for operators pursuant to the provisions of NRS 455.110.
2. An excavator marking the proposed area of an excavation or demolition pursuant to subsection 1 shall mark in a manner consistent with the marking practices in the industry and shall mark with white:
 - (a) The perimeter of the proposed excavation or demolition; or
 - (b) The centerline and width of the proposed excavation or demolition.
3. If an excavator and all the operators of subsurface installations in the affected area of the proposed excavation or demolition agree to identify the proposed area of the excavation or demolition in another manner pursuant to the provisions of subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110, the excavator shall comply with the terms of that agreement.
4. Pursuant to subsection 1 of NRS 455.110, an excavator conducting an excavation or demolition that will expose only a subsurface installation owned or operated by the excavator is not required to notify an association for

operators pursuant to NRS 455.110.

NAC 455.120 Association for operators: Dissemination of information received in notification.

(NRS 455.115, 703.025, 704.260, 704.280) In addition to the requirements set forth in NRS 455.115, an association for operators that receives a notification pursuant to the provisions of NRS 455.110 shall transmit the information contained in the notification to all members of the association for operators who have reported to the association for operators that they own, operate, maintain or control a subsurface installation in the affected area of the proposed excavation or demolition.

NAC 455.125 Duties of operator upon receipt of notification from association for operators.

(NRS 455.130, 455.133, 703.025, 704.260, 704.280)

1. An operator locating and identifying subsurface installations pursuant to the provisions of paragraph (a) of subsection 1 of NRS 455.130 shall locate and identify all subsurface installations of the operator that are in use or held for prospective use and are located within the affected area of the proposed excavation or demolition and shall:
 - (a) Mark the approximate location of the subsurface installations located and identified as required by NRS 455.133 and NAC 455.130 or in another manner agreed to in writing between the excavator and the operator; or
 - (b) For any subsurface installations of the operator that the operator was unable to identify or locate according to the records of the operator:
 - (1) Inform the excavator of the approximate location of the subsurface installation; and
 - (2) Provide to the excavator the best description available of the subsurface installation from those records.
2. If an operator determines that it has no subsurface installations within the affected area of the proposed excavation or demolition, the operator shall notify the excavator pursuant to the provisions of subsection 2 of NRS 455.130 by:
 - (a) Notifying the excavator directly; or
 - (b) Making a mark which indicates that the operator has no subsurface installations within the

affected area of the proposed excavation or demolition in a manner that:

- (1) Is consistent with the practice in the industry; or
- (2) Includes the name, initials or logo of the operator.

NAC 455.130 Marking location of subsurface installation.

(NRS 455.130, 455.133, 703.025, 704.260, 704.280)

1. Except as otherwise provided in subsection 2 or when otherwise agreed to by an operator and an excavator, an operator marking the approximate location of a subsurface installation that has been located and identified pursuant to the provisions of NAC 455.125 shall mark the approximate location of the subsurface installation in a manner consistent with the marking practices in the industry.
2. The requirement of marking the approximate location of a subsurface installation does not apply to an individual irrigation system for landscaping or to a playing field.

NAC 455.135 Marks: Duties of excavator; re-marking; confirmation or replacement.

(NRS 455.137, 703.025, 704.260, 704.280)

1. Until an excavation or demolition is completed, an excavator shall maintain the marks:
 - (a) Of the proposed area of an excavation or demolition made by the excavator pursuant to the provisions of subsections 2 and 3 of NAC 455.115; and
 - (b) Of the approximate location of subsurface installations made by an operator pursuant to paragraph (a) of subsection 1 of NAC 455.125.
2. If the operator's marks are removed, obliterated, covered or otherwise become disturbed or the excavator has concerns regarding the accuracy and meaning of the operator's marks before or during an excavation or demolition, the excavator:
 - (a) Shall not begin the excavation or demolition or, if the excavator has begun the excavation or demolition, shall cease the excavation or demolition in the portion of the affected area of the proposed excavation or demolition; and
 - (b) Shall mark the portion of the affected area of the proposed excavation or demolition with

- white markings, note the areas as re-marked and resubmit a notification to the association for operators that requests the operators with subsurface installations in the affected area of the proposed excavation or demolition to mark, confirm existing marks or make replacement marks for the subsurface installations in the re-marked area.
3. An excavator may, by submitting a notification to the association for operators, request that an operator make replacement marks in all or a portion of the affected area of the proposed excavation or demolition if the existing marks are faded but still visible and the excavator has no concerns regarding the accuracy and meaning of the operator's marks as a result of the fading.
 4. An operator shall respond to a request made by an excavator pursuant to subsection 2 or 3 not later than 2 working days after receipt of the request, unless the operator and excavator agree upon a different period. An operator who complies with the provisions of this subsection is not relieved of the duty to mark his or her subsurface installations pursuant to NRS 455.133 and NAC 455.130 or any other duty imposed pursuant to this chapter.
 5. An excavator who complies with the provisions of subsections 2, 3 and 4 is not relieved of the duty to maintain the marks pursuant to subsection 1 or any other duty imposed pursuant to this chapter.

NAC 455.140 Marks: Prohibited acts; removal upon completion of excavation or demolition. (NRS 703.025, 704.260, 704.280)

1. Except as otherwise provided in subsection 2, an excavator, an operator or any other person shall not create, remove, change or modify a mark made by an excavator or an operator in an affected area of a proposed excavation or demolition for the purpose of violating a provision of this chapter or NRS 455.080 to 455.180, inclusive.
2. Except as otherwise provided in NAC 455.160, an excavator or operator may remove a mark made by the excavator or an operator if the excavation or demolition has been completed.

NAC 455.145 Restrictions upon and duties of excavator before commencement of excavation or demolition.

(NRS 455.137, 703.025, 704.260, 704.280)

1. Except when commencing an emergency excavation as provided in the provisions of subsection 2 of NRS 455.110, an excavator:
 - (a) Shall not commence an excavation or demolition:
 - (1) Until each operator of a subsurface installation within the affected area of the proposed excavation or demolition has marked the location or has provided the approximate location of the subsurface installations of the operator pursuant to the provisions of NAC 455.125; and
 - (2) Before:
 - (I) The date and time the excavator identified as the date and time of commencement of the excavation or demolition; and
 - (II) Two working days after the date and time the excavator provided notification to the association for operators.
 - (b) To ensure that all subsurface installations in the affected area have been properly located and identified, shall not commence an excavation or demolition until the excavator has reviewed:
 - (1) All marks made by operators pursuant to the provisions of NAC 455.125;
 - (2) All marks made by the excavator pursuant to the provisions of NAC 455.115;
 - (3) All other information regarding subsurface installations provided to the excavator by an operator with subsurface installations in the affected area of the proposed excavation or demolition; and
 - (4) All other evidence that is visible of the approximate location of subsurface installations in the

affected area of the proposed excavation or demolition.

2. In addition to the requirements provided in subsection 1, if an excavator is commencing an excavation or demolition pursuant to subparagraph (2) of paragraph (a) of subsection 1 and each operator of a subsurface installation within the affected area of the proposed excavation or demolition has not marked or otherwise identified the location of the subsurface installations of the operator pursuant to the provisions of NAC 455.125, the excavator shall, before commencing the excavation or demolition, provide notification to the association for operators and request that each operator who has a subsurface installation that has not been marked return and mark the subsurface installation in the affected area of the proposed excavation or demolition.

NAC 455.150 Duties of excavator: Procedures for conducting excavation or demolition.

(NRS 455.137, 703.025, 704.260, 704.280)

1. An excavator conducting an excavation or demolition shall proceed in a careful and prudent manner.
2. In accordance with the provisions of NRS 455.137, the excavator shall, when conducting an excavation or demolition within the approximate location of a subsurface installation, determine the exact location of the subsurface installation by excavating with hand tools or by any other method agreed upon by the excavator and the operator having responsibility for the subsurface installation before using any mechanical equipment.
3. If, during the course of an excavation or demolition, an excavator is unable to determine the exact location of a subsurface installation within 24 horizontal inches of a mark placed by an operator, the excavator shall notify immediately the association for operators and the operator who placed the mark.
4. If, during the course of an excavation or demolition, an excavator discovers any subsurface installation, the excavator shall provide the lateral and subjacent support of the subsurface installation that is needed to ensure the protection and stability of the subsurface installation.

NAC 455.155 Duties of excavator: Discovery of unmarked subsurface installation during course of excavation or demolition. (NRS 455.140, 703.025, 704.260, 704.280)

1. In addition to the requirements set forth in subsection 4 of NAC 455.150 if, during the course of an excavation or demolition, an excavator discovers a subsurface installation the location of which was not marked or otherwise identified by an operator pursuant to the provisions of NAC 455.125, the excavator shall:
 - (a) Before continuing with the excavation or demolition, inform the owner of the subsurface installation, if known, of the discovery of the subsurface installation; and
 - (b) As soon as practical, provide notification to the association for operators of the discovery of the subsurface installation.
2. The association for operators shall transmit the information contained in the notification made by the excavator to the operator of the subsurface installation discovered by the excavator.
3. Upon receipt of the notification by the excavator or the association for operators of a subsurface installation the location of which was not marked, the operator shall locate and identify and mark the subsurface installation pursuant to the provisions of NAC 455.125.

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

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.

**NAC 455.165 Period for conducting excavation or demolition:
Validity of notification; extension.**

(NRS 455.110, 703.025, 704.260, 704.280)

1. A notification submitted by an excavator to an association for operators is valid to conduct an excavation or demolition for 28 calendar days after the date and time that the excavator provided the notification to the association for operators pursuant to the provisions of NRS 455.110.
2. An excavator may submit a request to the association for operators to extend the period for which the excavator may engage in the excavation or demolition by an additional 28 calendar days.
3. The association for operators shall notify the operators of subsurface installations within the affected area of the proposed excavation or demolition of the extension of time for excavation or demolition, and the period for which the excavator may engage in the excavation or demolition shall be deemed to be extended for 28 calendar days.
4. An excavator may not request more than two extensions of the period in which the excavator is permitted to engage in an excavation or demolition pursuant to the provisions of this section. If the

excavator needs additional time in which to engage in the excavation or demolition beyond the period afforded by the original notification and the subsequent extensions, the excavator shall submit a new notification to the association for operators pursuant to the provisions of NRS 455.110.

