



2005 SENATE BILL 498

January 6, 2006 - Introduced by Senators LEIBHAM and KANAVAS, cosponsored by Representatives NASS, LEMAHIEU, HINES, HAHN, PETTIS, AINSWORTH and MONTGOMERY. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT to amend** 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and **to**
2 **create** 182.0175 (1) (bt), 182.0175 (2m) (bm) and 182.0715 (2r) of the statutes;
3 **relating to:** excavation notices and installation of certain water and sewer
4 laterals.

Analysis by the Legislative Reference Bureau

Current law requires all transmission facilities owners to ensure that a statewide communications system is in place to receive notices of proposed excavations and to forward the notices to owners of transmission facilities that may be affected by the excavations. Transmission facilities include such things as utility wires and associated facilities, water and sewer systems, and communications facilities. Under current law, upon receiving a notice of a proposed excavation, the owner of transmission facilities must mark the area of the excavation described in the notice in such a way that the excavator will be able to locate the affected transmission facilities and perform the excavation without endangering the facilities or the public.

Under this bill, except as described below, any local governmental unit that receives such a notice relating to its sewer or water facilities must mark the location within the public right-of-way of all laterals connected to the sewer or water facilities at the area described in the notice. However, if the lateral was installed before January 1, 2007, instead of marking the location, the local government unit may provide the excavator with information on the location of the lateral as shown on maps, drawings, diagrams, or other records. If the local government has no such

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information regarding a lateral installed before January 1, 2007, the local government unit is not required to mark the location if the local government unit provides the excavator with a notice certifying that the local government unit has no such information.

In addition, the bill requires local government units to require any person who, after December 31, 2006, installs a nonconductive water or sewer lateral in the local government unit's jurisdiction to also install a locating wire or other equally effective means for marking the location of the lateral. However, local government units may not apply this requirement to minor repairs to, or partial replacements of, laterals installed before January 1, 2007.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 182.0175 (1) (bt) of the statutes is created to read:

2 182.0175 (1) (bt) "Local governmental unit" means a political subdivision of
3 this state, a special purpose district in this state, an instrumentality or corporation
4 of such a political subdivision or special purpose district, a combination or subunit
5 of any of the foregoing or an instrumentality of the state and any of the foregoing.

6 **SECTION 2.** 182.0175 (2m) (a) 2. of the statutes is amended to read:

7 182.0175 (2m) (a) 2. Respond to an excavation notice within 3 working days
8 by marking the location of transmission facilities and, if applicable, laterals as
9 provided under par. (b) in the area described in the excavation notice.

10 **SECTION 3.** 182.0175 (2m) (b) (intro.) of the statutes is amended to read:

11 182.0175 (2m) (b) *Facilities marking.* (intro.) A person owning transmission
12 facilities, upon receipt of an excavation notice, shall mark in a reasonable manner
13 the locations of transmission facilities at the area described in the notice to enable
14 the excavator to locate the transmission facilities without endangering the security
15 of the facilities or the public. Except as provided in par. (bm), if the person is a local

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1 governmental unit and if the excavation notice relates to sewer or water facilities
2 owned by the local governmental unit, the local governmental unit shall also mark
3 the locations within the public right-of-way of all laterals connected to the sewer or
4 water facilities at the area described in the notice. The marking of facilities shall be
5 completed within 3 working days after receipt of the notice, or if notice is given more
6 than 10 days before excavation is scheduled to begin, marking shall be completed at
7 least 3 working days before excavation is scheduled to begin. If the approximate
8 location of a transmission facility is marked with paint, flags, stakes or other
9 physical means, the following color coding of lines, cables or conduits shall comply
10 with the uniform color code adopted by the American National Standards Institute:

11 **SECTION 4.** 182.0175 (2m) (bm) of the statutes is created to read:

12 182.0175 **(2m)** (bm) In lieu of marking within the public right-of-way the
13 locations of sewer or water service laterals installed before January 1, 2007, a local
14 government unit may provide an excavator with information on the location of such
15 laterals as shown on maps, drawings, diagrams, or other records. If a local
16 government unit has no such information regarding such laterals installed before
17 January 1, 2007, and the local government unit provides the excavator with a notice
18 certifying that the local government unit has no such information, the local
19 government unit is considered to have satisfied the requirements of par. (b).

20 **SECTION 5.** 182.0715 (2r) of the statutes is created to read:

21 182.0715 **(2r)** FACILITIES INSTALLED AFTER DECEMBER 31, 2006. Each local
22 government unit shall require any person who, after December 31, 2006, installs a
23 nonconductive water or sewer lateral in the jurisdiction of the local government unit
24 to also install a locating wire or other equally effective means for marking the

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1 location of the lateral. The requirement shall not apply to minor repairs to, or partial
2 replacements of, laterals installed before January 1, 2007.

3 (END)