



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 272

Chairperson: Deb Fischer
Committee: Transportation and Telecommunications
Date of Hearing: February 10, 2009

The following constitute the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill proposes to amend a portion of the One-Call Notification System Act (sections 76-2301 to 76-2330), specifically section 76-2317, for the purpose of removing certain limited responsibilities of sanitary and improvement districts (SIDs) to provide notice (as operators) to excavators of the presence of sanitary sewer lines and storm sewer lines owned by an SID and located within the public right-of-way or in an easement owned by the SID.

The purpose of the One Call Act is to establish a means for excavators to provide notice to operators of underground facilities of the intent to excavate in a specified area so that the operators have the opportunity to identify and locate the underground facilities prior to excavation, thus enabling the excavators to observe proper precautions while digging to safeguard the underground facilities from damage.

However, SIDs as such, are relatively ill-suited as organizations to serve as operators. They almost never have permanent staff or employees. They have no "central office" or headquarters. They are basically financing entities that must contract for particularly services on a case-by-case basis. A "one-call" notification for them generally involves hiring an engineering company to mark the location of underground facilities. This involves a disproportionately large cost to the SID to conform with existing law.

Additionally, in most circumstances, sanitary and storm sewers are generally deeply buried facilities, posing a smaller risk of problems than would buried phone or cable lines.

Finally, the bill limits to exemption only to sewer lines located within the public right-of-way or in an easement owned by the SID itself, those facts serving to provide a form of "automatic" notice to the excavator.

Principal Introducer: _____
Senator Mike Friend