

ENROLLED ACT NO. 36, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to underground public utility facilities; exempting specified routine county road maintenance from the provisions of the Wyoming Underground Facilities Notification Act; providing for notice as specified; providing definitions; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 37-12-301(b) by creating new paragraphs (xv) through (xvii) and by renumbering (xv) as (xviii), 37-12-302 by creating a new subsection (n) and 37-12-305(h)(ii) and by creating a new subsection (j) are amended to read:

**37-12-301. Short title; definitions.**

(b) As used in this act:

(xv) "Area of risk" means an area not to exceed fifty (50) feet from each side of an underground facility that is located under or near a county road and that:

(A) Contains hazardous materials that present an extreme risk to the health and safety of persons; or

(B) Is buried at a depth of less than twenty-four (24) inches.

(xvi) "County road" means a road that is:

(A) Established pursuant to W.S. 24-3-101 through 24-3-127, identified pursuant to W.S. 24-3-201 through 24-3-206 or for which the county is responsible for improvements and maintenance as designated by resolution of a board of county commissioners;

(B) Open to the public;

(C) Depicted on county road maps; and

(D) Identified with county road signage.

(xvii) "Routine county road maintenance" means the regular grading of a county road for the purpose of maintaining the surface condition of the road or a roadside drainage ditch, that does not extend more than four (4) inches below the surface and does not result in alteration of the original grade, width or flow line;

~~(xv)~~(xviii) "This act" means W.S. 37-12-301 through 37-12-307.

### **37-12-302. Notices; exceptions; penalty.**

(n) An operator of an underground facility that the operator determines to be within an area of risk may provide to the county in which the underground facility is located written notice that includes a description of the underground facility and the specific location of the underground facility by map, legal description or other reliable method that allows for a current and accurate means of identifying the geographic location of the underground facility. Any notice under this subsection shall be provided:

(i) Except as specified in paragraph (ii) of this subsection, not later than June 1, 2020 and then January 31 of each year thereafter;

(ii) For an operator of a newly installed underground facility, within sixty (60) days of installation of the underground facility.

### **37-12-305. Exemptions.**

(h) The following routine maintenance activities in a government entity's public right-of-way are exempt from the provisions of this act:

(ii) Adding of granular material to unpaved roads; ~~and road shoulders;~~

(j) Routine county road maintenance is exempt from the provisions of this act, provided that the maintenance is not within an area of risk as specified in a notice provided under W.S. 37-12-302(n).

**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)