

E-Mail to Dale Johansen from Denise Hasty of AGC of St. Louis

From: Denise Hasty [mailto:dhasty@agcstl.org]
Sent: Thursday, March 11, 2010 12:30 PM
To: Johansen, Dale
Subject: RE: March 9 Damage Prevention Stakeholder Roundtable

Dale,

After hearing about these roundtable discussions being held and the potential of changes to Section 319 of MO. statutes, one of our members has asked about amending the definition of excavation. Perhaps this is the appropriate time to insert this into the discussion, or perhaps not – please let me know what you think.

Specifically, the request is to include pressurized water as an exemption from damage just as pressurized air to locate an underground utility is exempted. The proposed change would be as such:

“Excavation”, any operation in which earth, rock or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes, without limitation, backfilling, grading, trenching, digging, ditching, drilling, well-drilling, augering, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, and demolition of structures, except that, the use of mechanized tools and equipment to break and remove pavement and masonry down only to the depth of such pavement or masonry, the use of pressurized air or water to disintegrate and suction to remove earth, rock and other materials, the tilling of soil for agricultural or seeding purposes, and the installation of marking flags and stakes for the location of underground facilities that are not driven shall not be deemed excavation. Backfilling or moving earth on the ground in connection with other excavation operations at the same site shall not be deemed separate instance of excavation;

I appreciate your insight on this issue.

Quality People. Quality Projects.

Denise Hasty, CAE
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