

SENATE BILL NO. 397—SENATOR CANNIZZARO

MARCH 27, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to subsurface installations. (BDR 40-962)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public safety; exempting certain railroad companies from provisions governing operators of subsurface installations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes certain duties on operators of subsurface installations,
2 including, without limitation: (1) a requirement to join an association for operators
3 to receive notices regarding excavations or demolitions that are to be conducted in
4 an area that contains a subsurface installation owned or operated by the operator;
5 and (2) a requirement to assist in locating and identifying subsurface installations of
6 the operator that are affected by a proposed excavation or demolition. (NRS
7 455.120, 455.130) This bill excludes from the definition of “operator” a railroad
8 company that operates more than 1,000 miles of railroad track in this State if the
9 subsurface installations owned, operated or maintained by the company are located
10 within the right-of-way of the company and are not subject to certain federal
11 regulations governing pipeline safety.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 455.096 is hereby amended to read as follows:
2 455.096 “Operator” means any person who owns, operates or
3 maintains a subsurface installation. The term does not include ~~the~~ :
4 1. *The Department of Transportation* ~~;~~ *or*
5 2. *An interstate railroad company that operates more than*
6 *1,000 miles of railroad track in this State, if the subsurface*
7 *installations owned, operated or maintained by the company;*



- 1 *(a) Are located within the right-of-way of the company; and*
2 *(b) Do not include facilities subject to the jurisdiction of the*
3 *United States Department of Transportation pursuant to 49 C.F.R.*
4 *Parts 191 to 195, inclusive.*

5 **Sec. 2.** This act becomes effective on July 1, 2023.

