



January 12, 2026

To: Sam Anselm, City Administrator

From: Shayne Eades, Utilities Director

Re: Right-of-Way and Trenchless Excavation Requirements

Executive Summary

This item is to update the City's existing ordinances related to right-of-way use and trenchless excavation to ensure contractors are required to comply with Missouri state law when working within the public right-of-way.

Discussion

The proposed ordinance amendments update current City code to align with Missouri statutes governing excavation, directional boring, and underground utility protection. These updates clarify contractor responsibilities, strengthen permitting requirements, and establish consistent standards for work performed within City rights-of-way and utility easements.

As part of this effort, staff worked directly with Missouri 811 and the City Attorney to ensure the ordinance language and associated policies reflect current state utility locate requirements and industry best practices. This coordination improves communication among contractors, utility owners, and locators, and helps reduce the risk of utility damage.

Overall, these updates provide clearer enforcement authority, enhance public safety, protect City infrastructure, and ensure all contractors operating within the right-of-way follow uniform, state-compliant requirements.

AN ORDINANCE AMENDING ARTICLE XI OF CHAPTER 10 AND ARTICLE VI OF CHAPTER 38 BY THE ADDITION OF NEW REGULATIONS FOR TRENCHLESS EXCAVATIONS ON PUBLIC AND PRIVATE PROPERTY AND IN THE RIGHT-OF-WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI, AS FOLLOWS:

Section 1. Article XI of Chapter 10 of the Municipal Code is hereby amended by the addition of a new Section 10-573 entitled “Trenchless Excavations on Public and Private Property” which shall read as follows:

CHAPTER 10 BUILDINGS AND CONSTRUCTION

ARTICLE XI MISCELLANEOUS BUILDING CODE

SECTION 10-573 TRENCHLESS EXCAVATIONS ON PUBLIC AND PRIVATE PROPERTY

- A. *Definition.* For purposes of this Section, the term “trenchless excavation” shall mean horizontal excavation parallel to the surface of the earth which does not use trenching or vertical digging as the primary means of excavation, including but not limited to directional boring.
- B. *Prohibited Conduct.* It shall be unlawful for any entity or person to use trenchless excavation or to direct the performance of trenchless excavation within the city or the service areas, properties, rights-of-way or easements of the city which shall in any way disturb, move, cut, or damage any utility line, cable, pipe, or facility without prior written approval of the owner of the utility. This shall apply to both public and privately owned underground facilities.
- C. *Regulation of Trenchless Excavations.* All persons conducting, performing, participating in and allowing trenchless excavation shall comply with the following regulations:
- (i) Methods of trenchless excavation that can be effectively monitored, both vertically and horizontally, by electromagnetic locating methods, or other precise methods, shall be allowed so long as the equipment is calibrated to industry standards and is in good working order.
 - (ii) Unguided trenchless excavation methods such as moles, missiles, hogs, pneumatic gophers, bullet moles, and similar methods shall not be permitted without prior written consent from the director.
 - (iii) Directional drilling or boring may not be performed during the hours of 7:00 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m., in order to minimize disruption of traffic flow. The ROW user shall perform excavations or facilities maintenance on the rights-of-way at such times that will allow the least interference with the normal flow of traffic and the peace and quiet of the neighborhood, and shall not work between the hours of 11:00 p.m. and 6:00 a.m.
 - (iv) All bore crossings shall occur at a pothole and the potholed facility must remain visible for inspection until such time as the trenchless excavation is complete and ready for backfill. If it is

determined that boring equipment will cross the utility at a different location than the intended pothole, a new pothole at the current location shall be excavated and the utility shall be exposed at the new crossing location. The depth of the boring equipment shall be noted upon the ground in white spray paint at all utility crossing locations. All potholes shall fully expose the crossed utility and twenty-four (24) inches below the bore depth if the crossed utility is confirmed to be below the boring depth. Additional potholing shall be completed at appropriate distances along existing utilities where the trenchless alignment parallels an existing facility. Where parallel alignments are closer than six (6) feet to an existing facility, the pothole plan shall be reviewed and approved by the director or their designee prior to the work being performed. All potholes under pavement shall be filled within twenty-four (24) hours with flowable fill.

D. A ROW-user shall not operate or facilitate the operation of more than two (2) trenchless excavation boring machines simultaneously without the prior written consent of the director. Such consent may be provided under the following conditions:

- (1) The ROW-user shall provide or facilitate the provision of an independent third-party safety monitor ("Safety Monitor") to oversee active directional boring.
- (2) A Safety Monitor shall approve every bore plan prior to boring, monitor each crew during directional boring operations, and oversee no more than four (4) boring machines.
- (3) A Safety Monitor shall meet requirements for Safety Monitor pursuant to the City's Trenchless Excavation Utility Damage Prevention Policy and shall obtain written approval of the director or their designee prior to serving as a Safety Monitor.
- (4) Safety Monitors shall be present during all pre-construction meetings(s) that include boring sites and be physically present at least once per day with each crew being monitored at boring site(s) when any directional boring operations are taking place. Safety Monitors shall ensure that the boring crew complies with all best practices, policies, regulations and laws. If the Safety Monitor observes any practices that are contrary to policy, regulation or law, the Safety Monitor shall notify the director or their designee immediately. Failure to have the required number of Safety Monitors during directional boring work is unlawful and may, in addition to other consequences, result in a stop work order until the required Safety Monitors are provided, and are verified and approved by the director or their designee.

The consent or approval of the director may be withdrawn for reasons as set forth in section 38-159 of this Code for revocation of right-of-way excavation permits.

E. All persons conducting, performing, participating in and allowing trenchless excavations shall comply with the City's Trenchless Excavation Utility Damage Prevention Policy established by the director.

Section 2. Section 38-152 of Article VI of Chapter 38 of the Municipal Code is hereby amended by the addition of the following definition: [all other definitions in Section 38-152 are not amended in any way and remain in full force and effect]

Trenchless Excavation shall mean horizontal excavation parallel to the surface of the earth which does not use trenching or vertical digging as the primary means of excavation, including but not limited to directional boring.

Section 3. Section 38-157 of Article VI of Chapter 38 of the Municipal Code is hereby amended by the addition of a new subsection “(o)” which shall read as follows: [all other subsections and provisions of Section 38-157 are not amended in any way and remain in full force and effect]

CHAPTER 38 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE VI MANAGING USE AND OCCUPANCY OF PUBLIC RIGHTS-OF-WAY

SECTION 38-157 EXCAVATION DETAILS; MANNER OF WORK GENERALLY

...

(o) *Trenchless Excavations.* All persons involved in trenchless excavations shall comply with the regulations pertaining to such excavations set forth in Section 10-573 of this Code and with the City’s Trenchless Excavation Utility Damage Prevention Policy established by the director (Exhibit A).

Section 4. This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED THIS _____ DAY OF _____ 20_____.

CITY OF WEST PLAINS, MISSOURI

(SEAL)

BY: _____

MAYOR MICHAEL TOPLIFF

ATTEST:

CITY CLERK KELLIE MAYERS

Trenchless Excavation Utility Damage Prevention Policy

This Policy applies to any trenchless excavation, including directional drilling including pneumatic boring (missiles). The following requirements shall be followed when performing trenchless excavation within the City of West Plains, Missouri

1. All companies doing business within the City of West Plains shall comply with all applicable law and regulations and obtain a license or permit if one is required for the particular work.
2. A City of West Plains, Missouri Right of Way Permit must be obtained through the Planning Department for all work within the right-of-way.
3. Each right-of-way permit authorizing directional drilling within the right-of-way shall be limited to 1500 lineal feet per permit.
4. All property owners adjacent to utility easement and/or right of way must be notified with the following information before work can begin. A sample of the notification is required to be submitted with the permit.
 - A. Name of Company doing the work.
 - B. Contact name and number of person/persons responsible for work being performed.
 - C. A note stating that "All work done on owner's property must be performed within the designated utility easement. Contractor is responsible for returning the easement area to its previous condition and for any and all cost incurred if there is damage."
 - D. A note stating that "It is suggested that the property owner record the existing condition of their property in the event that there is damage in the easement and/or right of way."
5. A Pre-Construction meeting for work in the right-of-way is required between the contractor performing the work and the assigned City of West Plains inspector before work begins. A Pre-Construction meeting will be scheduled when Permit is issued.
6. Contractor shall obtain all utility locates no less than three working days before starting work and no more than 10 days. **Contact Missouri 811 1-800-dig-rite or (811)**
7. Contractor may be billed by City of West Plains for excessive utility locate requests. (see attachment)

8. Contractor shall comply with all applicable federal, state, and local laws, codes and ordinances, including the procedure and requirements for trenchless excavation set forth in section 319.037, RSMo, and the Utility Locate Attachment. **Failure to comply will result in a Stop Work Order being Issued.**

9. Allowable working hours are as follows:

Nonemergency excavations or facilities maintenance effecting traffic on arterial and collector streets may not be performed during the hours of 7:00 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m., in order to minimize disruption of traffic flow. The ROW user shall perform excavations or facilities maintenance on the rights-of-way at such times that will allow the least interference with the normal flow of traffic and the peace and quiet of the neighborhood, and shall not work between the hours of 11:00 p.m. and 6:00 a.m.

10. All work must be completed, and the permit closed within 30 calendar days, this includes restoration of all yard(s), and other areas affected (sidewalk, driveways, streets, etc.)

No new right-of-way permits shall be issued if contractor has expired open permits.

11. Contractor is responsible for any and all cost incurred if a utility is damaged.

12. All funds due to the City of West Plains must be paid within 30 days of invoice. Failure to pay funds due to the City of West Plains within 60 days may result in a Stop Work Order being issued and/or withdrawal of permit(s).

I have read and understand the contents of the City of West Plains Trenchless Excavation Utility Damage Prevention Policy

Company Name: _____

E-Mail: _____

Contact Name: _____

Title: _____

Signature: _____

Date: ____/____/____

Assigned City of West Plains Inspector:

Name: _____

Phone: _____

Office Phone: 417-256-7176

(Utility Locate attachment)

All locate requests shall be made to Missouri 811 (*formerly Missouri OneCall*), no later than 3 working days before the excavation begins and no more than 10 working days before the excavation begins. If renewals are needed because originally a larger area was requested than could be reasonably completed before markings expired, the excavator will be liable for the cost of refreshing the marks. Ideally locate requests should be made weekly, to schedule work for the following week, in order to ensure the markings are fresh and to avoid unnecessarily burdening the system.

When using trenchless excavation, precise marking instructions must be included in the locate request and/or made readily available when requested by Utility Locators. Acceptable forms of precise marking instructions include; white lining the area with paint, flags, or virtually; providing engineered jobsite prints, or meeting onsite. When additional marking instructions are requested, markings may be delayed but should be completed no more than 2 full working days from when the additional information is provided, unless an alternate marking schedule is mutually agreed upon. In the event that an excavator wishes to have a larger than needed site located (i.e. mark entire property, mark entire parcel, mark both sides of the road, etc.), the site will be marked according to the instructions provided, the Utility Locating Supervisor will then estimate what percentage of the area was excessive/not needed, & the excavator will be billed appropriately for the excessive costs.

City of West Plains expectations for underground excavations:

All excavators must pothole all marked Utilities prior to crossing them or paralleling them within 6'. If a marked utility is damaged that was not potholed prior to boring, the Contractor assumes all responsibility for the cost of the repairs regardless of the accuracy of the marks.

(Utility Locating policy below)

- a. *For Trenchless excavations ALL utilities must be exposed using soft digging methods every 100 feet when paralleling within 6 feet of where the utility is marked. When a bore is to cross a utility, the utility must be exposed and the bore head must be carefully monitored as it passes through the exposed area.*
2. While using trenchless excavation equipment the bore head must be carefully and prudently monitored at all times. Potholes must be kept open for inspection until the entire bore is complete with the utility completely exposed or excavated to a depth 2' deeper than the intended bore path.
3. All newly installed utilities must maintain a minimum 1' clearance from all existing utilities and 2' from underground access points.
4. All excavators must provide detailed marking instructions by white lining the area of excavation (virtually or with paint & flags), meeting on-site, and/or provide jobsite

prints. If changes are needed due to unforeseen circumstances they must be submitted to the Utility Locating Supervisor no less than 2 working days prior to starting the excavation. If markings are requested in areas where work will not be performed (*ie. both sides of the road and/or entire properties*) the excavator may be responsible for the cost associated with marking those Utilities.

(Utility Locating policy below)

- a. *All Fees shall be at the Utility Locating 915 rate and shall be billed in ¼ hour increments for actual man hours worked. This rate shall include the use of standard Locating equipment.*

5. Please only place requests for work that will be done in a reasonable amount of time that the marks do not expire (within 10 days). If renewals are needed because of requesting more area than can be completed before the marks expire the excavator will be responsible for the cost associated with remarking the Utilities.

(Utility Locating policy below)

- a. *All Fees shall be at the Utility Locating 915 rate and shall be billed in ¼ hour increments for actual man hours worked. This rate shall include the use of standard Locating equipment.*

1. All dig ups must be reported to Missouri One Call.