

# CHANGES TO THE LAWS IN YOUR STATE

## SUMMARY OF DAMAGE PREVENTION LAWS

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As states start to form various types of enforcement for their damage prevention laws, recognizing changes to these laws are becoming a little more complicated. Due to this, it is recommended that you stay involved with your state one call, review state codes, administrative codes, enforcement authority rule making decisions, state resolutions, and (of course) “Changes to the Laws in Your State” article that is produced yearly.

### ALABAMA

**Important implementation dates to remember from previous legislation: 01/01/2022-** All underground facility owners must be members of the state one call.

<http://www.al811.com/>

### CALIFORNIA

**Important implementation dates to remember from previous legislation: On and after 01/01/2022 -** The board shall be within the Office of Energy Infrastructure Safety within the Natural Resources Agency. Also, if damage occurs due to noncompliance of excavator, excavator shall be liable to operator for costs and expenses related to damage. However, exemptions exist for operators who are not members of a regional notification center.

**On or after 01/01/2023 -** All new subsurface installations shall be mapped using a geographic information system and maintained as permanent records of the operator. The exceptions for this obligation are “oil and gas flowlines 3 inches or less in diameter that are located within the administrative boundaries of an oil field.”

**Senate Bill 297 Signed 10/8/2021-** The bill prescribes a civil penalty of up to \$100,000.00 to be imposed on an operator or excavator, who knowingly and willfully violates provisions relating to excavations and subsurface installations and damages a gas or hazardous liquid pipeline subsurface installation in a way that results in the escape of any flammable, toxic, or corrosive gas or liquid.

### COLORADO

**Important implementation dates to remember from previous legislation:**

**Effective 03/01/2022 -** Any person who willfully or maliciously removes a marking used by an owner or operator to mark the location of any underground facility, except in the ordinary course of excavation is committing a “petty offense” instead of a Class 2 Misdemeanor.

**Effective 06/01/2022-** Modifies the one call exemption for county employees performing maintenance in the right of way. The one call must be made, for both routine and emergency excavations, if the excavation will include the following:” (a) lowering the existing grade or elevation of the road or any adjacent shoulder or designed and constructed elevation of any adjacent ditch flowline or (b) Disturb more than six inches in depth as it is conducted.”

**Effective 06/01/2022 -** If excavation will extend beyond thirty-day period, excavator will notify the notification association at least two business days, not including the day of actual notice, before the end of the thirty-day period.

<http://colorado811.org/>

# CHANGES TO THE LAWS IN YOUR STATE!

## CONNECTICUT

**HB 05255 Passed 05/17/2022 Effective 07/01/2022** - This bill impacts excavation taking place on state highways as follows: (a) Modifies to add utility company to the group that are required to obtain written permission of the commissioner for excavation, (b) Any excavation, obstruction or substruction made without permit shall be removed within 30 days from commissioner notification, (c) If utility company fails to comply, the commission may order this removal at the expense of the utility company, (d) Increased fines of violation to no less than two thousand dollars and no more than five thousand dollars for each offense. (Special note: an offense is “per day” and continuous days are new offenses for “each” day in violation.)

**SB 00094 Passed 05/10/2022-** This bill adds a provision for an immediate life-threatening hazard resulting from a willful violation of dig law. The utility commissioners shall immediately notify violator of hazard. Upon receipt of this notification, the violator shall promptly abate the hazard. If the hazard is not abated within a reasonable time, the commissioners shall have the authority to cease operations until the hazard is abated.

<https://portal.ct.gov/dot>

## GEORGIA

**HB 1372 Passed 05/02/2022 Effective 09/01/2022-** Georgia made substantial changes to the damage prevention law with the passing of this bill. First, the damage prevention law is renamed to Georgia Underground Facility Protection Act.

Next, several added/modified/deleted definitions are as follows: Betterments (meaning any upgrading of the underground facility being repaired made solely for the benefit and at the election of the facility owner and not attributable to damage), Business Day (modified to exclude particular days associated with Christmas Eve), Effective Date (meaning the calendar day on which blasting or excavating is anticipated to begin as indicated by the excavator in the locate request), Emergency 9-1-1 call, Deletion of Emergency Notice, Modification of excavation to include defined exemptions for: (a) Farming activities, (b) Milling (not to exceed a depth of 12” or less), and (c) Routine Road maintenance (under particular conditions), Notice Period (the period of time during which the designation of underground facilities or sewer laterals is supposed to occur), Public Safety Answering Point (means the public safety agency which receives incoming 9-1-1 calls and dispatches appropriate public safety agencies to respond to such calls), deletion of the term Service Area, and utility facility is renamed Underground Utility Facility.

One new definition that needs special note is Appropriate Notice, as it eliminates the 48-hour rule. First, Appropriate Notice is associated with an effective date provided by the excavator (see definition above). Second, the minimal “wait time” (under most circumstances) is two business days not including the day of the call.

Other notable changes are as follows: (a) New timeline for marking requirements in that underground utilities shall identify and locate their facilities prior to 7:00 a.m. of the “effective date”, (b) Positive response shall be given no later than midnight of the business day prior to the “effective” date, (c) the one call (UPC) shall also have the ability to declare extraordinary circumstances on behalf of any or all operators if the one call (UPC) is unable to transmit locate requests, (d) The adoption of the recommendations from the HDD consortium (5/2001) reference is eliminated, (e) Excavator shall call 911 upon damaging underground facilities lines that fall under 49 C.F.R part 192, 193 and 195 (Natural Gas and Hazardous Liquids), (f) On and after July 1, 2023, the Department of Transportation shall participate in and cooperate with the UPC for purposes of receiving locate requests in the Department of Transportation’s right of way, (g) Provision to provide guidance for excavations that are effected by an underground facility declaring extraordinary circumstances, (h) Damage investigation shall be initiated by the next business day following the repair and repair invoicing timelines (repair invoices shall be sent to the excavator within 90 days of completion of the repair), (i) Prohibits underground facilities from seeking damages under particular circumstances, and (j) The requirement to locate traffic control devices and traffic management systems shall be enforceable on January 1, 2024.

<https://www.georgia811.com/>

## ILLINOIS (Chicago Only)

**Amendment of Municipal Code 10-20-150 (11/07/2022)-** This Amendment is specific to the required permitting for excavation/construction work within the public right of way. First, allows the permittee to include at most one subcontractor per discipline on the permit. Further allows the permittee to petition the Commissioner of Transportation to allow more than one subcontractor. Finally grants Commissioner of Transportation to promulgate rules to implement and enforce amendment.

<https://ipi.cityofchicago.org/Digger>

## LOUISIANA

**HB 581 Passed 05/17/22 Effective 08/01/2022-** Modifications are as follows: (a) The definition for emergency to include an unplanned utility outage that requires immediate attention, (b) Adds Martin Luther King day to the list of approved one call observed holidays, (c) Allows for electronic notification, (d) Changes emergency notification language to “two hours from the discovery of the need for an emergency excavation”, (e) Clarifies that underground facilities shall respond to an emergency notice as soon as practicable, and (f) That the emergency notification ticket is valid for as long as the emergency exists.

**HB 69 Passed 06/01/2021; Effective 01/02/2022-** This bill adds the requirements for white lining and positive response.

<https://www.louisiana811.com/>

# CHANGES TO THE LAWS IN **YOUR STATE!**

## MARYLAND

**SB 464/HB 350 Passed 04/12/2022-** This bill allows the modification of penalties associated with the lack of one call notification prior to excavation as follows: Authority may require participation in damage prevention training; or implement mitigation practices; or other similar measures.

**SB 789/HB 994 Passed 05/16/2022-** This bill modifies obligations surrounding excavation notification requirements as follows: (a) Person making excavation notification shall provide a work start date that is not sooner than 3 business days after the ticket is initiated and not later than 12 business days after the ticket is initiated. (This extends the 2-business day notification to 3 business day notification), (b) Excavation notification shall include type and extent of work performed. (c) A ticket is valid 12 business days after the selected start date, (d) Obligations for locating of facilities within 2 business days of receiving ticket is modified to add “or” correspond with the work start date provided in the excavation notification.

<https://www.missutility.net/maryland/>

## OHIO

**HB 430- Signed 06/01/22; Effective 09/23/22-** This bill modifies obligations for designers and interstate natural gas and hazardous liquid facility owners when construction projects will take place within 660' of centerline of any interstate natural gas and hazardous liquids facilities.

First, interstate facility owners shall provide to designers: (a) Written notice of any special notification requirements, (b) The location and description of any right-of-way associated with the pipeline as well as pipeline location information (such as providing documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps), (c) Contact information for the primary contact person for the project area.

In regards to the design authority, added obligations to include in the plans and specifications for the construction project all of the following: (a) Any special notification requirements; (b) The name and contact information of the primary contact person for each pipeline operator who has provided notice; (c) Notice stating that the public authority has utilized reasonable means to contact the pipeline operator to verify the location of the pipeline and pipeline right-of-way; (d) Notice that the public authority has reviewed, or has attempted to review, preliminary information about the public improvement with the pipeline operator and incorporated the requested adjustments into the plans. Notice to the protection service in accordance is deemed to have utilized reasonable means to contact the operator of the pipeline.

[www.oups.org](http://www.oups.org)

## SOUTH DAKOTA

**SB 40 Passed 02/24/2022-** This bill adds a provision as follows: Any person who operates an intrastate biogas gathering line shall prior to operation provide written notice of the location and existence of the biogas gathering line to the South Dakota One Call.

<https://sdgc.southdakota811.com/geocall/portal>

## VIRGINIA

**20VAC5-309. Rules for Enforcement of the Underground Utility Damage Prevention Act (amending 20VAC5-309-150) Effective 01/01/2022.**

The amendments allow for a qualified contractor, in addition to the excavator, to complete the post-excavation video inspection for trenchless excavation across gravity fed sewer mains and combination storm and sanitary sewer system utility lines.

<http://register.dls.virginia.gov/details.aspx?id=9970>

## WEST VIRGINIA

**SB 597 Passed 03/04/2022 -** This bill amends/adds exemptions to the definition of excavation for routine maintenance of paved public roads or highways that meet the following criteria: All work that is confined to the traveled portion of the paved public way and does not exceed a depth greater than 12 inches measured from the top of the paved road surface. (Previously, this exemption was only for municipal employees). <https://wv811.com/>

## WYOMING

**SB 86 Passed 03/22/2022-** This bill added provisions for emergency excavation during wildfires.

## 2023 BILLS INTRODUCED

**Illinois HB 1190 Introduced 1/17/2023**

**Indiana HB 1258 Introduced 1/17/2023**

**Mississippi SB 2102 Introduced 1/9/2023**

**Mississippi HB 1044 Introduced 1/16/2023**

**Nebraska LB 122 Introduced 1/13/2023**

**North Dakota HB 1064 Introduced 1/18/2023**

**Oklahoma SB 497 Profile -Expected Introduction 2/6/2023**

**Tennessee SB 0067 Introduced 12/29/2022**

**Virginia HB 2132 Introduced 1/10/2023**

# Community Liaison Services

Formerly known as the Community Assistance and Technical Services (CATS) Program

PHMSA has renamed its CATS program to “Community Liaison Services” to more appropriately align with current roles and responsibilities and better interface with various stakeholders.

**Mission:**

To advance PHMSA’s pipeline safety mission by proactively engaging with pipeline stakeholders, providing technical expertise, and leveraging technology, data, and information to reduce pipeline risks and influence change through program and policy development.

**Vision:**

To serve as “trusted” and “credible” stewards of public safety and environmental protection by raising awareness and influencing change to continuously improve pipeline safety.

If you need assistance with any of the following pipeline safety related matters, please contact a PHMSA Community Liaison today:

- Pipeline safety policy/programs (damage prevention, public awareness, emergency response, PIPA, etc.)
- Pipeline stakeholder engagement and outreach
- Pipeline technical services and support (public inquiries, whistleblowers, post incident/accident communications, siting and permit initiatives)
- Questions about pipeline safety in your community

Community Liaisons are located within each PHMSA region.

**Community Liaison Services Program Manager**

**Karen Lynch:** karen.lynn@dot.gov • Phone: (202) 366-6855

**Central Region:**

Illinois; Indiana; Iowa; Kansas; Michigan; Minnesota; Missouri; Nebraska; North Dakota; South Dakota; Wisconsin.

**Angela Pickett:** angela.pickett@dot.gov • Phone: (816) 329-3823

**Sean Quinlan:** sean.quinlan@dot.gov • Phone: (816) 329-3800

**Southern Region:**

Alabama; Florida; Georgia; Kentucky; Mississippi; North Carolina; Puerto Rico; South Carolina; Tennessee.

**James Kelly:** james.kelly@dot.gov • Phone: (404) 990-1848

**Arthur Buff:** arthur.buff@dot.gov • Phone: (404) 226-6153

**Eastern Region:**

Connecticut; Delaware; Maine; Maryland; Massachusetts; New Hampshire; New Jersey; New York; Ohio, Pennsylvania; Rhode Island; Vermont; Virginia; Washington, D.C.; West Virginia.

**Karen Gentile:** karen.gentile@dot.gov • Phone: (609) 433-6650

**Nita Raju:** Nitander.raju@dot.gov • Phone: 609) 771-7806

**Southwest Region:**

Arkansas; Louisiana; New Mexico; Oklahoma; Texas.

**Bill Lowry:** bill.lowry@dot.gov • Phone: (713) 272-2845

**James ‘Jay’ Prothro:** james.prothro@dot.gov • Phone: (713) 272-2832

**Western Region:**

Alaska; Arizona; California; Colorado; Hawaii; Idaho; Montana; Nevada; Oregon; Utah; Washington; Wyoming.

**Tom Finch:** thomas.finch@dot.gov • Phone: (720) 963-3175

**Dave Mulligan:** david.mulligan@dot.gov • Phone: (720) 963-3193

# ENFORCEMENT AGENCIES

Enforcement of the damage prevention laws in your state can be a bit confusing to navigate. Questions such as: who is enforced, who enforces it, and what is enforceable are frequent throughout the US. To help you with your navigation below we have categorized states in accordance with enforcement venues. Please note some states have more than one avenue of enforcement and may appear more than once in the list below. Changes are highlighted in yellow. The Pipeline Hazardous Materials Safety Administration also has compiled extensive documentation for each state, which can be found at the following link:

<https://primis.phmsa.dot.gov/comm/DamagePreventionSummary.htm?nocache=6529>

- **Public Utilities Commission:** Alaska, Arizona, California, Connecticut, Delaware, Georgia, Hawaii, Illinois- Illinois Commerce Commission, Indiana- Indiana Utility Regulatory Commission, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin
- **Attorney General:** Arkansas, District of Columbia, Iowa, Nevada, South Carolina, Texas, Utah, Nebraska, Wyoming
- **Relevant County Court:** Alabama, Alaska, Arkansas, New Mexico,
- **Division of Safety:** Washington
- **Division of Occupational and Professional Licenses:** Idaho
- **Standalone Damage Prevention Boards/ Committees/Authorities:** Alabama, Colorado (Under the Department of Labor and Employment), Maryland, Mississippi, Puerto Rico, North Carolina, Idaho
- **Railroad Commission:** Texas
- **Department of Labor:** Montana
- **Department of Natural Resources:** Louisiana; California
- **State One Call:** North Dakota, South Dakota, Wyoming
- **Law Enforcement:** Florida
- **Federal Office of Pipeline Safety:** Maine (may defer), Alaska
- **Department of Consumer and Regulatory Affairs:** District of Columbia

