SUMMARY OF DAMAGE PREVENTION LAWS

JENNIFER REAMS, UNDERGROUND TECHNICAL ADVISOR INFRASTRUCTURE COMPLIANCE CONCEPTS | JREAMS.ICC@GMAIL.COM

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.

CALIFORNIA

SB778 Passed 09/22/2024: Damage prevention law changes are as follows: (a) Modifies excavation notification procedures in the event an excavation ticket expires. (b) Requires considerations when charging fees for locating obligations., (c) Revises requirements for the use of vacuum excavation equipment., (d) Revises damage notification requirements for excavators., (e) Revises some eligibility requirements to serve on the Californian Underground Facilities Safe Excavation Board., and (f) If an excavator requests additional locate information to determine the exact location; the utility operator shall provide this information within one working day if known.

https://www.usanorth811.org/ https://energysafety.ca.gov/who-we-are/undergroundsafetyboard/ https://digalert.org/

Colorado

Underground Damage Prevention Safety Commission Regulations 7 C.C.R. 1101-18 Adopted 11/08/2024; Effective 01/01/2025. Signifigant updates to this regulation are as follows: (a) Adds dredging and other underwater earth moving to the definition of excavation. (b) Defines home rule entity., (c) Establishes and defines a review committee as " A group of 3-5 members of the Underground Damage Prevention Safety Commission appointed to review a complaint of an alleged violation of the Act.", (d) Empowers the Review Committee to determine if a complaint is frivolous., (e) Defines response required of the term "by date"., (f) Specifies that a complaint form must be complete prior to the form being processed and receiving a hearing schedule., (g) Requests for postponement of hearings may be requested until the response "required by date"., (h) Adds procedures and document protocols for hearings., (i) Empowers the Safety Commission to establish enforceable standards for underground facility marking., and (j) Establishes a Damage Prevention fund and a Safety Commission Fund.

http://colorado811.org/ https://ops.colorado.gov/UDPSafetyCommission

Connecticut

Public Utilities Regulatory Authority Permitting Guidance Memo; Dated 01/30/2024. Addresses modifications made to Section 16-345-6 (Permits to require compliance) and encourages permitting agencies to implement these modifications. Suggestions include the following: Permit applications should have three options for complying with the CBYD regulations.

1. Requiring a CBYD number for situations where a contractor applies for a permit for work within the next 30 days, with a genuine need for immediate utility marking.

2. If a utility company is obtaining permits for a project that will be completed by subcontractors, no CBYD number is required to issue the permit

3. If the permit issuing agency determines that it will take longer than 30 days to issue a permit, no CBYD number is required to issue the permit

https://www.cbyd.com/ https://www.cbyd.com/resources/ct-cbyd-state-law-regulations

Georgia

PSC Rule 515-9-4-.14 entitled Georgia Underground Marking Standards; Amended 12/22/2023 Effective 01/11/2024: Updates to this rule include the following: (a) Clarification for the term "No conflict" when responding to a locate request. This should only be communicated by facility owners through positive response. Also, paint or stakes should be left at the proposed excavation if there is no conflict., (b) Adds the requirement for both paint and flags in particular environmental conditions., (c) Allows for the use of flags and stakes in addition to the use of paint for underground utility markings.. (d) Clarifies marking standards for facilities that are bundled within a trench or that do not have enough separation for separate tones., (e) Updated standards for marking ducts., and (f) Clarification of utility markings for traffic control and traffic management systems.

PSC RULE 515-9-4-.02. entitled Definitions: Amended 12/22/2023 Effective 01/11/2024 Revised 04/22/2024: Requires a large project ticket for:

- Any contiguous geographical site or area that exceeds one (1) linear mile.,
- Any contiguous geographical site or area that will require an excavation of more than ninety (90) days...
- Any contiguous geographical site exceeding ten (10) addresses, buildings, or lots/areas.,

https://www.georgia811.com/

Illinois

SB1438 Passed 07/28/2023 Effective 01/01/2024: This bill created the Illinois Dig Once Act. The purpose of this act is to minimize traffic interruptions, to enhance efficiency and coordination between the state, units of government, and utilities. The Department of Transportation, the Illinois State Toll Highway Authority, and the Department of Commerce and Economic Opportunity shall consult with the state One Call center to jointly develop a policy and rules to reduce the scale and number of repeated excavations related to roads, highways, tollways, and expresswavs for the installation and maintenance of broadband infrastructure and public utilities in rights-of-way.

HB 5546 Passed 07/01/2024 Effective 01/01/2025: Illinois made extensive changes to their damage prevention law. First, there are substantial additions and modifications of the definitions within the new law. Some highlights to these are as follows: (a) Damages

(Contact or dislocation of a facility during excavation that necessitates repair by the underground utility facility owner due to any partial or complete destruction of the facility, including, but not limited to, the protective coating, tracer wire, lateral support, cathodic protection, or housing for the line or device of the facility.), (b) Day ("Means any day, beginning at 12:00 a.m. and ending at 11:59 p.m. and does not include holidays recognized by JULIE, Saturdays, Sundays, and the day of the actual notice.), (c) Emergency notification request (means a request involving a condition (1) that constitutes an imminent danger to life, health, or property or a utility service outage (2) and that requires repair or action before the expiration of 2 days., (d) 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, power equipment or explosives, and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, saw cutting or roadway surface milling when penetrating into the base or subbase of a paved surface, and driving)., and (e) Adds several exclusions to the definition of excavation but notably adds this to the exclusions "(2) An exclusion to this Section in no way prohibits a request from being made for the marking of facilities. (3) Any exception to excavation contained within this Section is not intended to remove liability that may be imposed against an individual or entity because of damage caused to a facility.,

Secondly, HB 5546 modified and introduced a great deal of procedural details to the damage prevention law as follows: (a) Specific excavation requirements that allows the facility owner to request to be on site during excavation near their facility. The excavator must comply with this request; however, the facility owner may not interfere with the excavation schedule., (b) Positive response requirements., (c) Obligations for design tickets., (d) Joint meet ticket obligations for excavators and facility owners., (e) Emergency ticket requirements and stakeholder obligations surrounding the emergency excavation., (f) Requires the excavator to notify the One Call center of an exposed unmarked facility., (g) Marking requirements for submerged facilities., (h) Pre-marking requirements., (i) Allows the facility owner to request an additional two days to complete marking obligations under particular circumstances, (j) Service laterals on or after 01/01/2026 shall be locatable., and (k) Provides enforcement procedural timelines for the Illinois Commerce Commission.

Once again, Illinois has undergone extensive changes to their damage prevention law. Prior to excavation, it is highly recommended to refer to the state One Call center website for education and additional training at website below.

https://www.illinois1call.com/

Indiana

IURC RM #22-03 Approved 07/26/2023 Effective 01/25/2024: Notable changes/additions from this new rule are as follows: (a) Clarification of marking requirements for underground utilities. (Underground facility operators shall mark their facilities not later than 7:00 a.m. at the prevailing time observed in Indianapolis, Indiana, on the working day after the elapse of two full working day periods from 7:00 a.m. to 6:00 p.m.), (b) The Commission, the pipeline safety division, or a person approved by the commission can conduct education that is deemed "training.", (c) Requires a gas underground utility to indicate if the facility is a service line and must provide size and type of pipeline if greater than 2" in diameter., (d) Life of a notification tickets expires at 11:59 p.m. on the twentieth day from the notification ticket request., (e) Underground gas utilities must notify the IURC of damage to their facilities within 30 days., (f) If a gas facility must reschedule a facility locate, it must now reschedule within the two full working days, log

the time, date, and the person responsible for notification, and give the new date when the facilities will be located., **(g)** Clarification of the tolerance zone to indicate 24" on all sides (including each side, top, and bottom) of the facility., and **(h)** Gas operators must provide positive response to the One Call center.

HB1122 Passed 03/11/2024: This bill inserts some key points from IURC RM #22-03 (above) into code and builds upon this foundation as follows: (a) Clarification of tolerance zone to include the width of the underground facilities plus (2) feet; above, below, and in a full radius surrounding all outer limits of both the underground and aboveground facilities of the physical plant., (b) Working day hours are 7:00 a.m. to 6:00 p.m. et; prevailing time of Indianapolis, Indiana., (c) A provision that allows an excavator to start work prior to the two full working days if all affected operators have appropriately responded through the positive response.,(d) An excavation notice expires at 11:59 p.m. prevailing time (20) days after the date the notice is received by the association., (e) Underground utility operator will provide positive response., and (f) Excavator will provide an affirmative response to the one call that they have received positive response from all affected operators that were notified.

https://indiana811.org/

lowa

HB2581 Passed 05/01/2024; Effective 07/01/2024: This bill changes the definition of 48-hour period to a period of 48 consecutive hours beginning at 6:00 a.m. the next business day from the day the notification center receives the notification excluding Saturday, Sunday and legal holidays.

Other notable changes include: (a) Defines locator to include persons both employed by the utility operator or/and under contract with the utility operator., (b) Adds two locators and two excavator as non-voting members to board of directors to the One Call center., (c) Obligates the Iowa One Call Center to establish a two way communication system for operators, locators and excavators., (d) All stakeholders shall make available records to the utilities board during investigation process., (e) Extends ticket life to 25 days., (f) Utility operator shall provide positive response within the 48- hour period., (g) Call center shall provide notice to excavator the status of completion of locates... (h) Locate marking flags shall include name of operator and contact number., (i) Special excavation requirements when excavating near pipelines operating at 150 psi or greater and/is or equal to 2" in diameter., (j) Provide a "no conflict" if facilities are not present within the 48-hour window., (k) Locating time limit violations to include civil penalties and assessed to the operator of the underground facility even if that operator contracts the locating., (I) At the direction of the Iowa Attorney General the utilities board shall investigate violation and submit finding to the Attorney General., and (m) The Utilities Board may independently receive and investigate violations.

https://iowaonecall.com/

Kansas

HB2226 Passed 04/24/2023 Effective 01/01/2024: This bill increases the life of a notification ticket to twenty calendar days.

Other notable inclusions are: (a) The allowance of virtual white lining for excavation sites., (b) Grants the state corporation commission the ability to adjust the extent of time the notice of intent to excavate is

valid., (c) Grants the state corporation commission the ability to adjust the maximum number of days allowed to an operator for providing the location of the tolerance zone., and (d) All utility damage must be reporter to operator and Kansas 811.

https://kansas811.com/

Kentucky

SB174 Passed 03/29/2024; Effective 07/15/2024: This bill provides definitions for communications network, communications service provider and communication terminals.

Other key points are as follows: (a) Require that if damage is done to an underground gas or hazardous liquid facility and no attempt to locate the underground facility was made, the operator shall include in its report to the Public Service Commission the distance from the communications terminal that the damage occurred.. (b) Require that the Public Service Commission submit a report to the Legislative Research Commission on or before December 1, 2025, detailing the number of damage reports from communications service providers that occurred in the area where they are allowed to use nonintrusive excavation., and (c) Exempts from the underground facility damage prevention requirements nonintrusive excavating of a depth not greater than 12 inches and within 12 inches of a communication service provider's own communications network.

https://kentucky811.org/

Louisiana

HB397 Passed 05/15/2024; Effective 01/01/2025: This bill modifies Louisiana Damage Prevention law by providing new definitions for large project excavation/demolition, marine excavator, and routine excavation/demolition. Further, the bill adds guidance to excavators and utility operators during large project excavations.

https://www.louisiana811.com/

Maine

SB2245 Passed 03/25/2024: First, this bill adds liquefied propane gas to the definition of underground facility. Secondly, the bill exempts from the definition of excavation both highway drainage culverts or under drains and liquefied propane gas distribution systems that have underground pipes located on a residential lot under particular circumstances.

Chapter 895 Underground Facility Damage Prevention Requirements Docket No 2024-00157 11/05/2024 Effective 12/11/2024: The Maine Public Utilities Commission modified Chapter 895 through the rulemaking process. Modifications include the following: (a) Definitions associated with Liquified Propane Gas consistent with §3360-A. Protection of Underground Facilities., (b) The Dig Safe System shall maintain its draw functionality to allow excavators to define a planned excavation area by drawing the confines of the planned excavation on Dig Safe System interactive maps., and (c) The location of the proposed excavation must be clearly identified and defined in Dig Safe's System.

https://www.digsafe.com/

Minnesota

HB3436 Passed 05/15/2024 Effective 08/01/2024: This bill has several notable changes to Minnesota damage prevention laws as follows: (a) Modification to the 48-hour notification requests will exclude the day of call and the 48-hour time clock begins at 12:01 a.m. the day after the notification is made (excluding weekends and holidays).. (b) Provides and allowance for excavator and utility operator to develop a written marking schedule that must be provided to the One Call center., (c) Requirements, procedures and documentation for on-site meetings (including what triggers mandatory on-site large project meetings)., (d) Updates to operator marking requirements to include operator name on flags and a combination of paint marks with flags, whiskers or stakes., (e) Mandatory white marking requirements (black paint to be used during winter months)., (f) Operators must provide a notification information report to the Minnesota Department of Public Safety Office of Pipeline Safety (MNOPS) each quarter (Some exemptions)., and (g) Design ticket and preconstruction meeting requirements.

Effective 01/01/2026: Operators that provide services to greater than 10,000 customers must use geospatial location information/equivalent technology to develop as-built drawings of newly installed or newly abandoned facilities if exposed in the excavation area. Other notable changes effective in 2026 are: (a) an excavator may provide electronic markings as an alternative to the physical markings if they provide the same level of information., (b) A utility operator may require that the excavator provide physical markings following submission of electronic marking.

Effective 01/01/2027: Operators that provide services to fewer than 10,000 customers must use geospatial location information/equivalent technology to develop as-built drawings of newly installed or newly abandoned facilities if exposed in the excavation area.

https://www.gopherstateonecall.org/

Mississippi

SB2603 Passed 04/15/2024; Effective 07/01/2024: Notable changes to Mississippi damage prevention law are as follows: (a) Added definitions for locate ticket request and trenchless excavation., (b) Exemptions from the notification requirements for facility locators under particular conditions., (c) Adds an "enforceable provision" that limits excavation notification ticket scope to work that can be reasonably completed within 14 days from the time the ticket is processed and not to include already excavation completed areas., (d) Renewal notification tickets may not include portions of excavation that is completed., (e) White marking requirements., and (f) Requirements for trenchless excavations.

https://www.ms811.org/

Nebraska

LB 683 Passed 05/26/2023: Effective 09/01/2024: Nebraska has made several signifigant changes to their underground damage prevention law as follows: (a) It shall be a violation for an excavator to provide notice of excavation for an area that cannot be reasonably started within seventeen calendar days., (b) It shall be a violation to request remarking that cannot be started or continued within fourteen

calendar days of remarking notification., **(c)** If the excavator receives notice of an alleged violation, excavator shall describe why the alleged violation occurred., **(d)** The Underground Excavation Safety Committee is created and representatives shall be appointed by the Governor. The Committee representatives are:

- · The State Fire Marshal/designee
- Three operator representatives
- One operator alternate (in case operator representative is unavailable)
- Three excavator representatives
- One excavator alternate (in case excavator representative is unavailable)

(e) The Committee shall govern in accordance with rules and regulations promulgated/adopted by the State Fire Marshal and shall not meet less than monthly., (f) The Committee shall review investigations, determine if violation has occurred, and determine appropriate penalties., (g) Training may be assessed in lieu of or in addition to civil monetary penalties., (h) Violator is responsible of repayment of costs associated with violation investigations., and (i) Civil penalties in excess of ten thousand dollars shall be referred to Attorney General/prosecuting attorney for action of behalf of the state.

https://www.ne1call.com/

New Hampshire

Adopted Rule Chapter En 800 Underground Utility Damage Prevention Program; Effective 08/20/2024. This updated rule clarified: (a) damage and probable violations reporting requirements., (b) Updated to locators shall be trained in accordance with the National Utility Locating Contractors Association (NULCA) Professional Competence Standards for Locating Technicians fifth edition (2017)., and (c) Excessive excavator notifications (15 notifications in the same day by the same excavator) constitutes extraordinary circumstances provision.

https://www.digsafe.com/ https://www.energy.nh.gov/enforcement/underground-damage-prevention/811-dig-safe

Oklahoma

HB4095 Approved 04/23/2024 Effective 11/01/2024: Notable changes are as follows: (a) Definitions added for watch and protect ("Means an operator or its designated representative is present to observe an excavation within (10) feet of the operator's marking of its existing underground facility"), large projects, and Pre-excavation meeting request., (b) The "watch and protect" shall be signified through the positive response with the name and phone number of utility representative. Once this positive response is received, no excavation may take place without a representative on site. The representative and excavator shall document the agreed upon date and time the "watch and protect" excavation will take place., (c) The notification ticket shall contain the name and phone number of the excavator field contact with actual knowledge of the excavation site and project., and (d) Large project requirements and obligations.

https://okie811.org/

Ohio

HB315 Effective 04/03/2025: This bill adds a non-voting advisory seat to the Underground Technical Committee.

https://oups.org/

Pennsylvania

SB1237 Effective 10/29/2024: This bill made substantial modifications as follows: (a) Added definition for damage prevention investigator, drawing, sketch, trenchless technology, and violation., (b) Modifies definition of excavation to include dredging,., (c) Modifies the definition of locate request to add the term notification ("means a communication or notification")., (d) Provides an exemption for locating facilities; "A facility owner may not be required to locate lines or facilities installed before April 30, 2018, unless the facility owner has existing maps of the lines or facilities and the facility owner's existing maps meet the specifications of the One Call System's Member Mapping Solutions"., (e) Adds "Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence of any known lines and abandoned lines"., (f) Facility owner will document communications with excavator regarding inability to locate facilities., (g) Facility owner to enter a "timely" final response to all locate requests., (h) Facility owners to comply with all requests for information by the commission relating to the commission's enforcement authority under this act within thirty days of receipt of the request., (i) Defined ticket limit of "1000' or Intersection to Intersection, whichever is greater, along the same street, within the same political subdivision"., (j) Additional requirements for design ticket obligations., (k) To utilize the best practices of Common Ground Alliance during trenchless technologies. (I) Includes the ability to impose administrative penalties if the project owner refuses to compensate excavator for extra work due to utility location or limit the excavators rights within contract provisions., (m) No delegation of duty for the One Call notification., (n) Includes the ability to impose administrative penalties for falsifying an emergency excavation., (0) Appeal process for violation determinations., (p) 270 day time limit for date of alleged violation occurrence for committee to review and make determination., (q) Additional monetary penalties of \$100.00 per day (not to exceed \$5000.00) if training is not met or penalty not paid within the allotted timeframe., and (r) New sunset provision of 12/31/2031.

https://www.pa1call.org/

Rhode Island

SB 2849 Passed 06/12/2024: This bill expanded the definition of damage and clarified 911 notification requirements.

https://www.digsafe.com/ https://ripuc.ri.gov/rhode-island-digsafe

South Dakota

South Dakota 811 modified Administrative Rules 20:25:30:05:01 Effective 01/01/2025: A current ticket may not be updated more than twice after the original ticket was requested or after 63 days have elapsed from the date the original ticket was requested.

South Dakota 811 modified Administrative Rules 20:25:01:01 Effective 01/01/2025: Added positive response definitions and requirements.

https://sdonecall.com/

Tennessee

HB 2286/SB2260 Passed 04/03/2024; Effective 07/01/2024: This bill modified the following: **(a)** Definition of emergency., **(b)** Emergency notification requirements and procedures., **(c)** Penalties for misrepresentation of emergency notification., **(d)** Penalty structure for

violations., (e) Use of monies from the damage prevention fund.

https://www.tenn811.com/

Utah

SB 145 03/18/2024; Effective 05/01/2024: Noteworthy changes are as follows: (a) New definitions for backfill, business hours, electronic positive response system, excavation notice, no response notice, holiday, mark, municipality, and tolerance zone., (b) Life of a ticket changed to 21 calendar days., (c) Additional obligations for excavators to confirm particular requirements have been met prior to the start of excavation, (d) If a utility operator receives a no response notice; they shall mark facilities or make arrangements to mark facilities within 4 business hours., (e) New protocols when a facility is damaged., (f) Provision that the notification center is not responsible for obligations of excavators and utility operators., and (g) a 48-hour period, occurring during business days that includes any day except Saturday, Sunday, or a holiday, that begins at 8:00 a.m. on the first business day after notice has been submitted."

https://www.bluestakes.org/

Vermont

SB305 Signed by Governor 05/30/2024; Effective 11/01/2024: The bill increases the notification wait time to 72 hours from 48 hours.

https://publicservice.vermont.gov/regulated-utilities/engineering/underground-utility-damage-prevention-uudp-dig-safe-r https://www.digsafe.com/

Virginia

CASE NO. URS-2024-00068 20VAC5-309. Rules for Enforcement of the Underground Utility Damage Prevention Act (amending 20VAC5-309-190) Introduced 04/23/2024; Effective 07/22/2025:

The amendments enable the implementation of new electronic white lining technology, which will assist in defining planned areas of excavation for the further prevention of damage to underground utility lines.

https://va811.com/

West Virginia

Notable updates effective 08/01/2024:

- Notification locate requests are limited to 2500' per linear ticket
- Notification locate request expiration date of 15 days after issued

https://wv811.com/

2025 Bills Introduced

Delaware proposed dig rule change
https://delmarva811.com/resources/proposed-de-law-changes/
Mississippi HB1191/SB2365 Introduced 01/20/2025
Mississippi HB594/SB2230 Introduced 01/20/2025
Missouri HB752/SB133 Introduced 01/09/2025
New Mexico (NM811) Proposed changes to member manual 2025
North Dakota HB1153 Introduced 01/22/2025
Oklahoma SB345 Prefile 02/03/2025
Oklahoma SB355 Prefile 02/03/2025
Oregon dig rule changes for 2025. More information on potential implementation found at: https://digsafelyoregon.com/2025/01/09/2025-changes-to-oregon-dig-rules/
South Carolina H3571 Introduced 01/29/2025

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. The Pipeline Hazardous Materials Safety Administration also has complied 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
- Office of Energy Infrastructure Safety: California
- Railroad Commission: Texas
- Department of Energy: New Hampshire
- Department of Labor: Montana
- Department of Natural Resources: Louisiana; California
- State One Call: Iowa, 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