



Excavation Manual



**Know what's below.
Call 811 before you dig.**

www.al811.com

**800.292.8525 Nationwide
205.252.4444 Bham Area**

Revised January 2015

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DISCLAIMER OF LIABILITY

This handbook is an educational and information document for anyone who plans to excavate or undertake any project that requires breaking the earth's surface or demolition activities. It is to be used as a reference tool for excavation in Alabama and as a guide to contact Alabama 811. It does not have the force and effect of law; the governing law is the Alabama Underground Damage Prevention Act 94-487. Other laws may also affect excavations such as the Alabama and Federal Pipeline Safety Act, OSHA standard 1926.651, and CFR Title 49-Part 192.614.

This manual, which includes a reproduction of the State of Alabama Underground Damage Prevention Act with updates current as of April 2, 2014, is provided solely as a convenience and is not to be used as a legal reference document. Every effort has been made to reproduce the State of Alabama Underground Damage Prevention Act 94-487 accurately, but neither Alabama 811, nor any officer, employee or agent of Alabama 811, makes any representations or warranties as to the accuracy of the law. Persons seeking a legal reference document should contact their legal representative.

The information in the first sections of this manual is designed to assist excavators when contacting Alabama 811; it is also intended to help member underground facility owners who must respond to information provided to them by Alabama 811. The reproduction of the Alabama Act 94-487 at the back of the manual describes the responsibilities of the excavators and member operators. While familiarity with the manual is recommended for all excavators and Alabama 811 member underground facility owners, their responsibilities are as provided by law.

This manual does not have a copyright. The contents of this manual are subject to change without notice.

Additional copies of this manual may be obtained by calling Alabama 811's administrative office at 205-731-3200.

INTRODUCTION

This manual is intended as a resource to aid in the prevention of damage to underground utility facilities in the State of Alabama. Alabama 811 developed this guide to enhance public safety, protect the environment, minimize risks to excavators and to prevent disruption of vital public services.

PURPOSE

Alabama 811 is a non-profit organization established to provide a centralized one call notification system as a means to safeguard against injury and loss of life, to protect public services and to prevent damage to underground facilities by providing for prior notification of excavation and demolition activities.

Major Functions:

1. To receive notification from the public, contractors, utilities and other parties of their proposed excavation activity. These parties are encouraged to obey Alabama Act 94-487 and call Alabama 811 at least two working days in advance of all planned excavation. The notifications or calls received for this purpose are referred to as locate requests.
2. To transmit, via communications network, any information pertinent to the excavation location and the nature of the excavation to all Alabama 811 members who have underground facilities at that location.
3. To promote the use of Alabama 811 by all excavators.
4. To promote membership in Alabama 811 by all underground facility owners.

Alabama 811 does not perform locates, it is the communication network between excavators and member underground facility owners.

INTRODUCTION

OBJECTIVES

In support of the overall purpose of Alabama 811, this notification system was designed to encourage acceptance and active participation by all excavators and underground facility owners and to:

- 1. Promote public safety**
- 2. Eliminate costly damages**
- 3. Reduce lost production time caused by damages**
- 4. Promote utility coordination**
- 5. Promote compliance with existing regulations: such as, Alabama Act 94-487, OSHA 1926.651, and CFR Title 49-Part 192.614**
- 6. Help protect the environment**
- 7. Promote the use of Alabama 811 by all excavators**
- 8. Promote membership in Alabama 811.**

Notification to underground facility owners is required by the Alabama Act 94-487. Many utilities can be notified through their membership with Alabama 811.

The excavator is required to contact all underground facility owners directly if the underground facility owners are not a member of Alabama 811. Alabama 811 records all calls and each notification is assigned a ticket number. These records are kept for 4 years to document the notification. It is important to record the assigned ticket number provided to you by Alabama 811 for each location site. It is proof of the notification by the excavator to the facility owner.

There is no charge to the excavator for the service provided by Alabama 811 or by any member underground facility owner when locating their facilities for the excavator.

SECTION 1

DETERMINING WHO AND WHEN TO CALL

If you plan on digging, excavating, demolishing or moving the earth in any way that could damage underground utility facilities, contact Alabama 811 no less than 48 hours before the start of the proposed excavation. This can be done by calling 811, 1-800-292-8525, or 252-4444 (local Birmingham number). You may also enter locate requests online via the E-Ticket or Remote Ticket Entry (RTE) program. Visit our website www.al811.com for further information.

- Within minutes of your call, Alabama 811 will contact the Alabama 811 participating member underground facility owners or their representatives with facilities in the area of the excavation site.
- Member utility owners will mark or stake within 2 working days where their underground facilities are in the excavation area.
- When calling Alabama 811, the Customer Service Representative (CSR) taking the call will provide a list all of the member underground facility owners that Alabama 811 will notify.
- If there are utility owners in the area of excavation who are not members of Alabama 811, the excavator is responsible for contacting them on an individual basis.

When making a call for notification to Alabama 811, please have the information available shown in Proper Notification Procedures, Section 3 pages 7-10. Be prepared to give this information to the Customer Service Representative.

Alabama 811 is open for voice calls from 7:00 a.m. to 5:00 p.m. central standard time zone, Monday through Friday. Alabama 811 will observe the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday following Thanksgiving Day, Christmas Eve and Christmas Day. If any of these holidays occur on a Saturday, it will be observed on the preceding Friday and if any of these holidays occur on a Sunday, it will be observed on the following Monday. Online locate processing is available through the website 24/7 by visiting www.al811.com and using the E-ticket link.

SECTION 2

THE BENEFITS OF DIGGING SAFELY

Digging, trenching, boring, augering, and blasting are all inherently dangerous to life and property. Even under ideal conditions with a minimum of underground utilities or other obstructions, the risk of potential damage is high.

Unintentional damage to underground facilities during excavation is a significant cause of disruption in telecommunications, water supply, electric power and other vital public services, such as hospitals and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents. Coordination, communication and cooperation between excavators, contractors, homeowners, and utility owners can reduce the risk of damage to utility facilities.

When a contractor, excavator or homeowner plans their work, works their plan and calls for underground utility locates in a timely manner, there are many benefits for all to realize:

- **Reduce** the chance of personal injury to employees and citizens.
- **Maintain** uninterrupted utility service to the citizens of Alabama.
- **Reduce** insurance premium payments.
- **Reduce** Workers' Compensation payments.
- **Reduce** non-productive down time.
- **Optimize** job scheduling activities.
- **Reduce** overtime payments.
- **Reduce** damages to expensive excavating equipment.
- **Reduce** or eliminate the payment of property damage claims.

SECTION 3

PROPER NOTIFICATION PROCEDURES

1. **Contact Alabama 811 by calling 811, 1-800-292-8525, or 252-4444 (Birmingham Area). You may also enter locate requests online via our website by visiting www.al811.com for further information.**
2. **Alabama 811's Customer Service Agent will ask a series of questions. As required by law, all calls are recorded. In order to make calls as efficient as possible, please be prepared to give the information explained on the following pages. To make this task easier, review the ticket format on page 38 and have information available before calling Alabama 811. The following is a brief explanation of each section found on the ticket:**
 - ***Caller's Telephone Number, FAX Number and email address:*** used to access information at a later time, access our computer database quickly and efficiently, and to contact the underground facility operators in an emergency situation. This number should be one that a company representative can be reached in case of any questions or problems.
 - ***Caller Name and Company Name:*** helps maintain records and contacts of all locate requests.
 - ***Caller or caller's company mailing address:*** used to maintain Alabama 811's database for future contact and to notify excavators of information pertaining to Alabama 811.
 - ***Name of the County and City or Community where the work will take place:*** The place/community name must be correct for the county provided.
 - ***Indicate Work Type:*** This is the type of work or excavation to be done. Member utility operators need to know the specific type of excavation to be done. They need more than just "digging", "landscaping", or "excavating" as a work type. Be specific and say whether you are "installing", "repairing", "planting trees", "planting flowers", "putting up a fence", "setting poles", "installing a telephone drop", "installing a gas line" and etc.

SECTION 3

- **Indicate who the work is being done for:** The identification of who the work is being done for is another source where additional information about the project can be obtained. This can be the company making the notification, the general contractor, the property owner, utility and etc.
- **Location of Excavation/Job site:** To ensure that all underground facility owners can find the job site of the locate request, the following information is required:

Address or street name of the location site. *The best information that can be given to identify the work location is a complete street address. If a complete street address is not available, then give a street name, road name, US HWY number, state road number or GPS coordinates and be prepared to provide driving directions.*

Name of the nearest intersecting streets within one mile of job site and if the work is being done at the intersection. *This will help to narrow down the notification area and determine the proper underground facility owners to notify. It can also help determine the correct street if more than one street in the general area has the same name. The member utility operators who provide service area coverage in the area of the jobsite are then sent notification for the marking of their underground facilities.*

Name of the subdivision and lot number if applicable. *Also the name of the road the subdivision is off of and how far down that road is from the nearest intersecting road or street.*

Identify the specific portion of the job site that needs to be marked. *Utility operators who receive the notification need to know what area of the job site needs to be marked for the work to be done.*

Good examples that are very specific to identify a job site:

Mark from lot line to lot line in road right of way.

Locate entire width of lot along back property line.

Locate along right side of driveway from curb to house.

Locate the entire intersection of University Blvd. and 22nd Street.

Locate 500 ft. in all directions, will be boring under all roadways.

203 Thomas Drive just off Graham Road in Twin Pines Subdivision.

Locate entire lot and both sides of the road.

SECTION 3

- **Indicate any additional remarks or information the facility owners may need to be aware of.**
- ***Indicate Field Contact if different from caller.***
- ***Indicate if the notification is an emergency.*** Alabama Act 94-487 defines an “emergency” as “an imminent danger to life, health, property or public services. Penalty provisions apply if misrepresentation of an emergency excavation is given.
- ***Indicate if any boring or blasting will be used in the excavation.*** Some member utility operators want to know if boring is going to be used in the excavation so that they can take extra precautions. If you are boring under a street, road, driveway or parking area you need to request that both the entering and exiting sides of the bore be located plus the area in between the entrance of the bore and the exit.
- ***Indicate if you will be working near a railroad.*** This is important because some of our member utility operators have fiber optic cable buried on a railroad right of way. These fiber optic cables are vital for data and communications. Owners of these facilities want to know when any type of excavation is taking place near a railroad.
- ***White lining excavation area.*** If the area to locate is hard to describe, then white lining can be used to show the utility operators the proposed excavation area. White lining is using white paint to identify the proposed excavation area.
- ***Indicate Date and Time you plan to start the work.*** It is very important not to begin work prior to the legal start date and time. The legal start date and time is 48 hours or two working days after the notification is made. “Working Day” is a 24 hour period commencing from the time of receipt of the notification, excluding Saturday, Sunday and the nine holidays outlined in Alabama Act 94-487. The notification will be good for 10 working days. Be sure to RENEW your locate ticket two (2) days prior to its expiration date, if you will be working longer than 10 working days from the original excavation start date.

SECTION 3

This will allow for another 48 hour notification period to have the lines re-marked prior to the expiration of the locate request. A notice for demolition work shall be valid for a period of 20 working days from the start date given.

- Locate Request notices are only for proposed excavation activities. Except for design or survey locate requests, notice of excavations should only be placed for excavation scheduled to start. No repeated updates for remarking should be made unless the work is continuing and underway. If the work has halted, the requests should be updated 2 working days prior to the restart of the work

3. You will then be given the following information:

- Legal date and time to proceed with excavation
- Expiration date
- RENEW date
- List of underground facility owners that will be notified.
- Locate Request Number.

4. What happens after the call is made:

The information is dispatched to the member underground facility operators. The member underground facility owners are required to mark their facility by the legal due date and time.

SECTION 4

INFORMATION NEEDED FOR NOTIFICATION

Alabama 811 normally processes locate requests as one address per locate request ticket. However, if the work being done is a continuous trench, then the street name can be given with the designated multiple street addresses or lot numbers, or beginning and ending addresses or lot numbers.

In case of an apartment complex or specific lot numbers, individual building or lot numbers should go on different tickets. Since these building numbers or lot numbers cannot be related to a specific address, they require different notifications.

When excavation involves more than one street, each street must go on an individual notification.

When working at an intersection, the intersection can go on one notification. If the excavation is at an intersection and continues down one street, then that information can go on one notification. If the excavation is at an intersection and continues down two streets, the second street requires another notification.

SECTION 5

RESPONSIBILITIES OF THE UNDERGROUND FACILITY OWNER

Respond to all locate requests by marking the approximate location of their underground facilities in the excavation area within 2 working days.

Each utility operator will mark or flag their facilities in accordance with the APWA color code as required in Alabama Act 94-487. These colors include:

RED	Electric Power Lines, Cables, Conduit and Lighting Cables
YELLOW	Gas, Oil, Steam, Petroleum or Gaseous Materials
ORANGE	Communication, Cable TV, Alarm or Signal Lines, Cables or Conduit
BLUE	Potable Water
GREEN	Sewer or Drain Lines
WHITE	Proposed Excavation
PURPLE	Reclaimed Water, Irrigation, or Slurry Lines
PINK	Temporary Survey Markings

The marks or markings shall indicate the name, initials, or logo of the owner and operator of the underground facility and the width of the underground facility if it is greater than two inches.

SECTION 6

RESPONSIBILITIES OF THE EXCAVATOR

(Under Damage Prevention Legislation Alabama Act 94-487)

- Call before you dig,
- Wait the required amount of time,
- Respect the marks,
- Dig with care.

1. Notify Alabama 811 at 811, 1-800-292-8525, or 252-4444 (B'ham Area) no less than 48 hours (two days), excluding weekends and holidays, prior to excavating or blasting.

Many excavators mistakenly believe that Alabama 811 is responsible for the actual marking of underground facilities. This is not the case. Alabama 811 receives information from the excavator and relays it to the underground utility operators who are members of Alabama 811. Each member is responsible for ensuring that their facilities are properly marked. *Some underground utility operators have elected not to be members of Alabama 811. Excavators must make an effort to contact those operators directly before attempting an excavation.*

2. Excavators should not begin excavations until all underground facilities have been marked.

If the start date and time issued by Alabama 811 has arrived and a utility operator has failed to mark the facilities or has marked the facilities incorrectly, the excavator should call Alabama 811 again to notify utility owners that the site has not been marked. A second transmittal is sent to the member utility operator and noted that the 48 hour notice has expired. Underground facility owners will only mark the lines that they own and operate.

SECTION 6

Any private lines such as service lines past the meter, or fuel lines to gas lights or grills should be identified by the property owner. The underground facility owner will not mark these facilities.

Note: All private lines should be identified by the property owner before excavation.

3. If the excavator encounters an unmarked facility at the excavation site and initiates a call back to Alabama 811 or the non-member company with a second notice relative to revising the original notice, the underground facility owners have four (4) hours to provide a positive feedback as to the owner of the facility. As the excavation approaches the location of the underground facilities, the excavator is required (per Alabama Act 94-487) to determine the precise location of the marked facility by safe and acceptable means.

This is usually accomplished by the use of hand tools, potholing or the use of non-invasive equipment such as vacuum excavation techniques.

4. The excavator must maintain a tolerance zone between the marked location of the underground facility and the cutting edge or point of any mechanized or earth moving equipment and the unexposed underground facility. The established tolerance zone is a minimum of 18 inches on either side of the outside edge of the operators facility, or a strip of land 18 inches either side of the operators field mark, or the marked width of the facility plus eighteen inches on each side of the facility.

See pages 16 and 17 for examples.

5. If damage of any kind is done, discovered or any suspicions of damage exist, it is the excavator's responsibility to immediately notify Alabama 811 and the facility owner directly and cease excavation that may cause further damage. In addition, any damage that results in escaping flammable, corrosive, explosive or toxic liquid or gas should be reported to the appropriate law enforcement agencies and fire departments.

SECTION 6

6. When directional boring or drilling, the excavator should properly expose and support each utility crossing in or near the excavation area, this includes backfilling, as may be reasonably required by the utility owner for the protection of the underground utilities.

- **NOTE:** It is a good idea to look for the following as indicators of existing underground facilities near the area of the excavation site; Power Transformers, Utility Pole Drops (Cables attached to the side of the utility pole and entering the ground. Galvanized “U” Guards sometimes protect these cables.), Telephone or Cable Television Pedestals, Water Valves or Hydrants, Gas Meters, Valves or Test Stations, Warning Signs or Markers, Manhole Rings and Covers.

SECTION 7

SAFE DIGGING TIPS FOR EXCAVATORS

When crossing underground utilities within the tolerance zone, the excavation should be performed with hand tools or non-invasive equipment until the marked facility is exposed. See Figures 1 through 4 pages 16 and 17, for examples of conduit and small cable tolerance zones.

- Dig by hand, pothole, vacuum or other soft digging methods.
- **If excavating to a certain depth, use hand tools to expose a window in the earth down to that depth and then open the window 18 inches on either side of the marked facility to determine the exact location of the buried facility.**

SECTION 7

Figure 1 *Top view of large pipe or multiple ducts.*

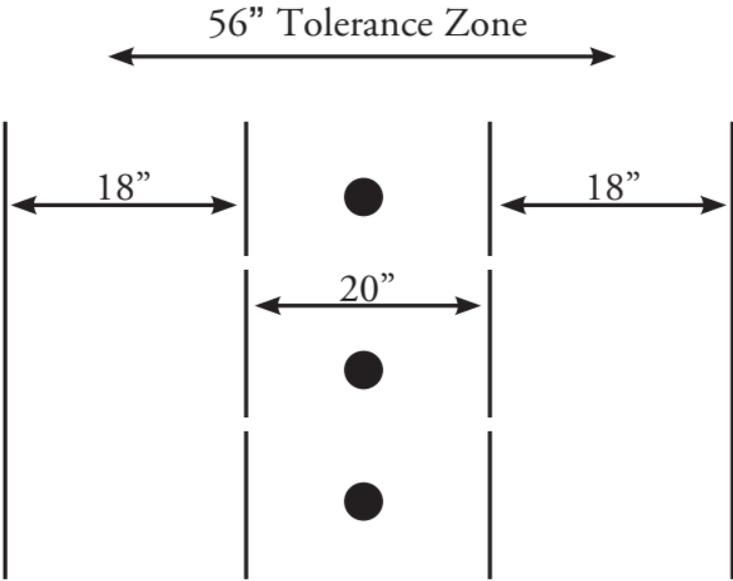
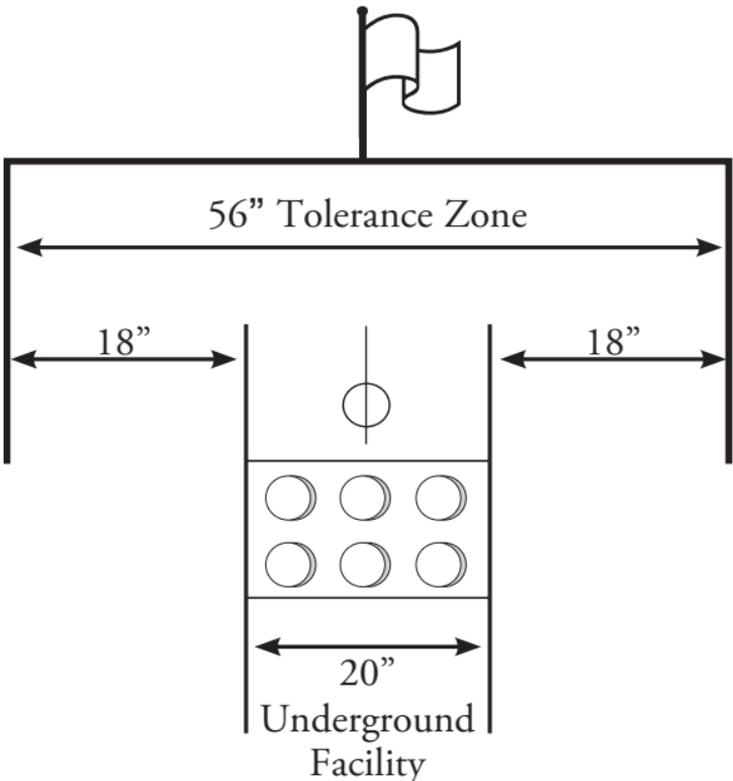
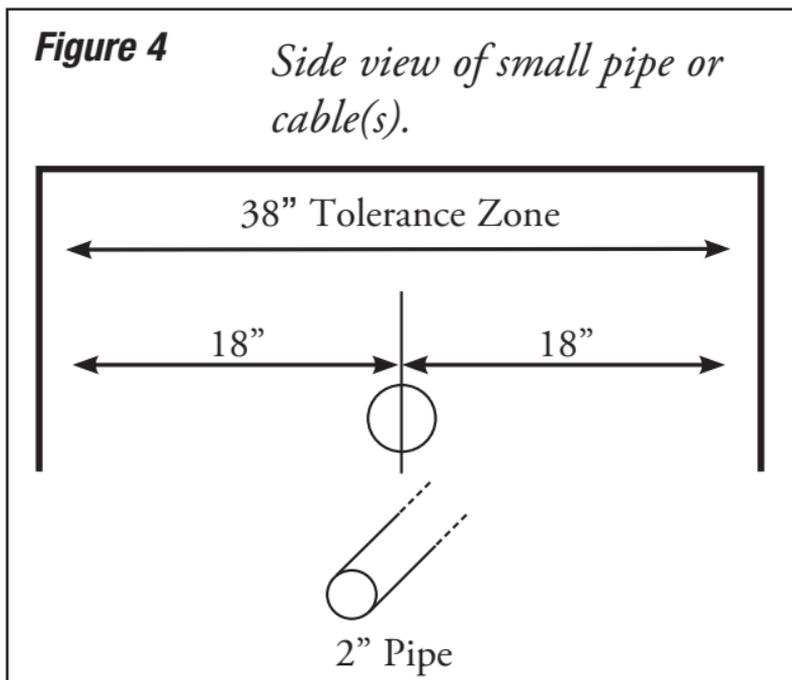
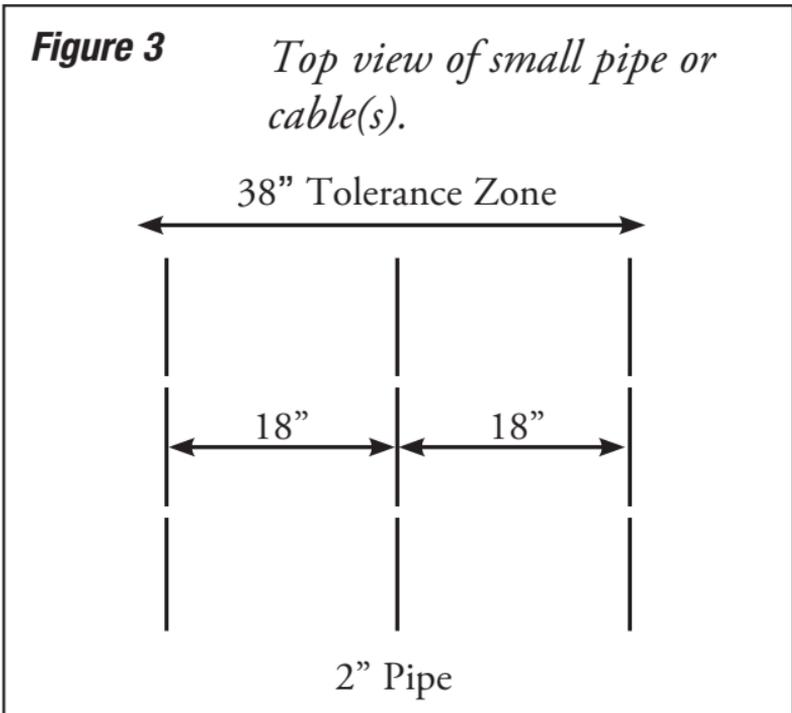


Figure 2 *Side view of large pipe or multiple ducts.*



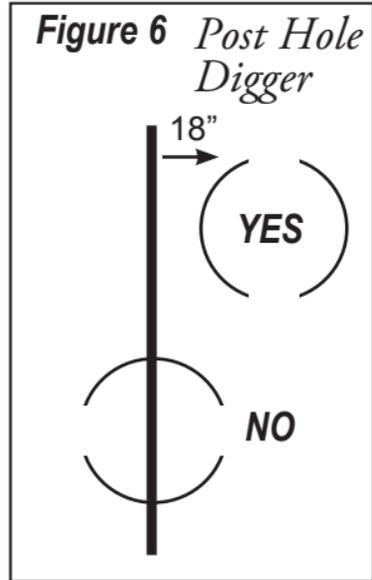
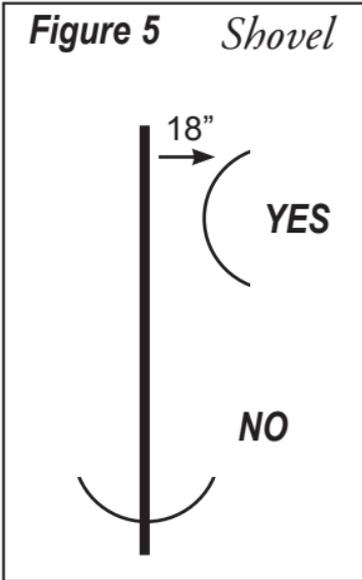
SECTION 7

- Marks or markings shall indicate initials or logo of the owner and operator of the underground facility if greater than 2”.
- Single mark for facility less than 2” in diameter.



SECTION 7

- When using a shovel, keep the face of the blade toward the side of the facility. (Figure 5 and 6)
- When using post hole diggers, keep the opening between the blades pointing the same direction as the facility is running. (Figure 6).



- Avoid the use of picks and mattocks/pickaxes.
- When digging in hard compacted soils, pothole to the side of the locate marks and collapse the soil into the pot-hole while digging toward the marks. (Figure 7, page 19).
- Beware of the possibility of abandoned facilities. Find, expose and protect all facilities within the tolerance zone. Do not damage any of these facilities as they may be used by the utility at a later date.

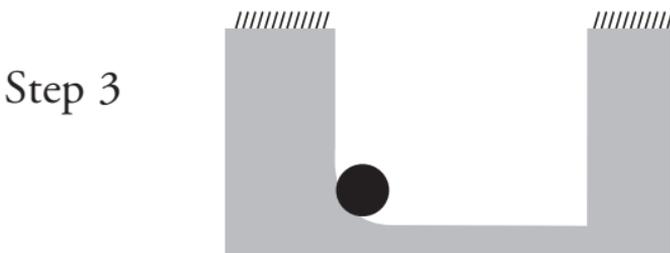
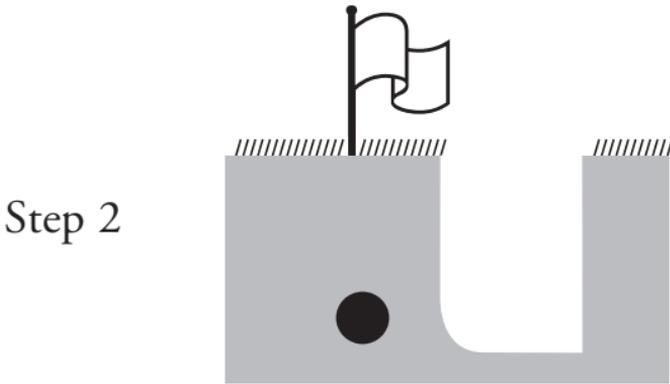
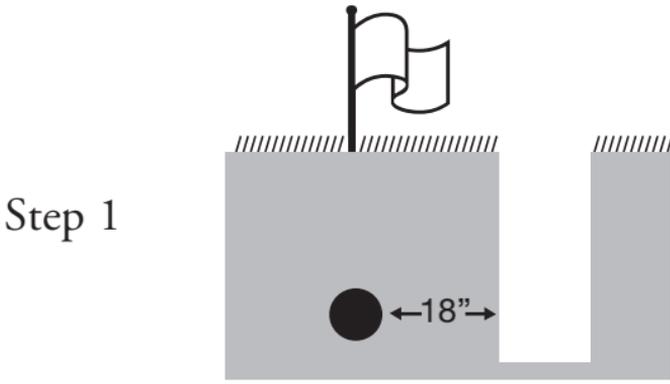
WHEN PARALLELING UNDERGROUND FACILITIES:

At intervals find and expose, by hand digging, all facilities in the area to be disturbed by the excavation and adjust to the path of the excavation accordingly. Beware of the possibility of abandoned facilities. Do not damage.

Note: *The depth of underground facilities is not guaranteed. Never assume that a utility facility is the same depth throughout its route as where it was exposed. Also be aware that there are lines found just a few inches under the surface. Most likely they were buried at a prescribed depth but, over the years through grading operations or other actions, they are now just beneath the surface. Excavators are responsible for finding and avoiding all facilities down to the depth they are working.*

SECTION 7

Figure 7 *Potholing*



SECTION 8

DESIGN AND SURVEY REQUESTS

Effective January 1, 2015, Alabama's Damage Prevention law addresses requirements for survey and design locate requests.

The design or locate requests shall describe the tract or parcel of land where the design/survey work will be taking place. It should also include the name, address, telephone number, fax or email of the person submitting the design/survey request and the name of the project owner. A design/survey request has a 5 working day notification period.

After receiving notification, the facility owners shall respond by one of the following methods within the 5 working day notification period:

- Mark the appropriate location of all underground facilities they own/operate in the area described in the design/survey request by utilizing designated color code used for excavation requests.
- Provide to the person making the request, the best available description of all underground facilities in the proposed area, which may include drawings of the facilities already built in the area or other facility records that are maintained by the operator.
- Allow the person making the request or any other authorized person to inspect or copy drawings or other records for all their underground facilities within the proposed area defined for the design/survey request.

SECTION 9

ALABAMA ACT 94-487 UNDERGROUND DAMAGE PREVENTION LEGISLATION

Enrolled, An Act,

To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

Amended April 2, 2014 to be enacted on January 1, 2015 to include provisions for design/survey request and certain civil and criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Purpose and Intent.

The purpose of this act is to safeguard against injury and loss of life due to excavation or demolition and to protect underground facilities from costly damage and the interruption of utility or other services to the general public.

Section 2. Definitions.

As used in this chapter the following words have the following meanings:

- (1) APPROXIMATE LOCATION OF UNDERGROUND FACILITIES. Information about an operator's underground facilities which is provided to a person by

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an operator and must be accurate to within 18 inches measured horizontally from the outside edge of each side of such operator's facility, or strip of land 18 inches either side of the operator's field mark or the marked width of the facility plus 18 inches on each side of the marked width of the facility.

- (2) **BLASTING.** The use of an explosive device for the excavation of earth, rock or other material or the demolition of a structure.
- (3) **CONTRACT LOCATOR.** Any person contracted with an operator specifically to determine and mark the approximate location of the operator's utility lines that exist within the area specified by a notice served on the "One-Call Notification System."
- (4) **DAMAGE.** Includes, but is not limited to, the substantial weakening of structural or lateral support of an underground facility, penetration or destruction of any facility's protective coating, housing or other protective device, and the severance (partial or complete) of any underground facility, but does not apply to any operator's abandoned underground facility.
- (5) **DEMOLITION.** Any operation by which a structure or mass of material is wrecked, razed, rendered, moved or removed by means of any tools, equipment or explosives.
- (6) **DESIGN OR SURVEY LOCATE REQUEST.** Any communication to the "One-Call Notification System" or an in-house program of an operator which meets the operational requirements of receiving those excavation or demolition notification described in subsection (a) of Section 37-15-5, specifically to request existing underground facilities to be located for bidding, predesign, or advance planning purposes. A design locate request may not be used for excavation purposes and an excavation locate request may not be used for design or survey purposes.
- (7) **EMERGENCY EXCAVATION OR DEMOLITION.** An excavation or demolition that is required to eliminate an imminent danger to life, health,

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property, or the environment or required for the repair or restoration of operator service that is required to be performed before the notification and response procedures required in Section 37-15-4 and 37-15-6 may be fully utilized.

- (8) EXCAVATE or EXCAVATION. Any operation for the purpose of the movement or removal of earth, rock or other material by mechanized equipment or explosive device and includes but is not limited to, augering, backfilling, blasting, boring, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scraping, sub-soiling, trenching and tunneling. Excavate or excavation does not include routine roadway maintenance activities carried out by state or local government road maintenance employees or contractors, provided that the activities occur entirely within the right-of-way of a public road, street, or highway; are carried out with reasonable care so as to protect any utility facilities placed in the right-of-way by permit; are carried out within the limits of any original excavation on the traveled way, shoulder or drainage ditches of a public road, street, or highway; and, if involving the replacement of existing structures, including traffic control devices, replace such structures in their approximate previous locations and at their approximate previous depth. Excavate or excavation does not include routine railroad maintenance activities conducted within the track structure and its adjacent right-of-way, provided the activities are performed by railroad employees or railroad contractors and are carried out with reasonable care so as to protect any underground facilities placed in the railroad right-of-way by agreement with the railroad. Nothing in this chapter shall modify or abrogate any contractual provision entered into between any railroad and any other party owning or operating an underground facility or underground utility lines within the railroad's right-of-way.

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- (9) **EXCAVATOR.** Any person who engages in excavation.
- (10) **IMPLIED EASEMENT.** Any unwritten easement or right-of-way on private property required to provide utility or other services by means of underground facilities on property of the owner requesting such service.
- (11) **MARK or MARKING.** The use of stakes, flags, paint buoys or clearly identifiable materials placed on the surface of the ground or water to show the approximate location of underground facilities.
- (12) **MECHANIZED EQUIPMENT.** Equipment powered or energized by any motor, engine, hydraulic or pneumatic device and is used for excavation or demolition work including, but not limited to, tractors, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, pile drivers, drills, cable and pipe plows or other equipment used for plowing-in or pulling-in cable or pipe.
- (13) **MEMBER.** A person who participates in the “One-Call Notification System” to receive services and is in good standing with the “One-Call Notification System” in accordance with the guidelines set forth in the corporation’s bylaws.
- (14) **NONINVASIVE METHOD OF EXCAVATION.** A method of excavation that does not compromise the integrity of the underground facility. These methods include, but are not limited to, hand digging, pot holing, soft digging, vacuum excavation methods, or other methods approved by the operator.
- (15) **NOTIFICATION AREA.** An area or territory which an operator designates as the area where the operator wishes to receive notifications for any excavation in that area. The notification area should encompass the underground distribution system or network of the operator.
- (16) **ONE-CALL NOTIFICATION SYSTEM.** A non-profit corporation, a public corporation or a governmental entity which will provide a statewide notification service, for the purpose of receiving statewide

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telephonic toll-free or electronic notification of any planned excavation or demolition activities by excavators or other persons as set forth in Section 4 of this act and distributing the required excavation or demolition information to its affected member operators as set forth in Section 5 of this act.

- (17) **OPERATOR.** A person, governmental agency or political subdivision, or its agents, who owns or operates a public or private underground facility which furnishes services, information or materials, or transports or transmits electric energy, light, water, steam, oil, gases, gas, mixture of gases, petroleum, petroleum products, hazardous or flammable liquids, toxic or corrosive fluids and gases or items of like nature and telecommunications, cable television, water, drainage, sewage or other systems of like nature. The term operator does not apply to any entity listed above if all of the underground facilities owned and operated by the entity are for the sole use of the entity and are located solely on the entity's own property or on property over which the entity has rights of operation.
- (18) **PERSON.** An individual, joint venture, partnership, association, authority, cooperative, firm, corporation, governmental entity, or any subdivision or instrumentality of that entity and its employees, agents or legal representatives.
- (19) **ROUTINE ROADWAY MAINTENANCE.** Maintenance work on a roadway that is not done pursuant to a contract awarded by a state or local government through a bid process for which plan drawings have been developed in advance or work for which detailed and specific scheduling is not possible or feasible.
- (20) **TOLERANCE ZONE.** The width of the underground facility plus 18 inches on either side of the outside edge of the underground facility on a horizontal plane.
- (21) **UNDERGROUND FACILITY.** Any cable, pipeline, duct, wire, conduit or other similar installation,

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installed underground or underwater, by which an operator transports or delivers materials, information, or services.

- (22) **WORKING DAY.** A 24-hour period commencing from the time of receipt of the notification, excluding Saturday, Sunday and the following nine holidays: New Year's Day, Memorial Day (observed), Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday following Thanksgiving Day, Christmas Eve, and Christmas Day. When any of these holidays occur on a Saturday, it will be observed on the preceding Friday and when any of these holidays occur on a Sunday, it will be observed on the following Monday.

Section 3. Prohibition.

No person shall excavate in a street, highway, public easement, private easement or implied easement of an operator, or on property of an operator, or conduct blasting operations, or perform demolition activities in the near proximity of an operator's underground facility without first having ascertained, in the manner prescribed in Sections 4 and 6 of this act, the location of all underground facilities in the area of the proposed excavation, blasting, or demolition; however, violation of this section shall not subject any person to the civil penalties of Section 10 provided the easement or the underground facility is located on property owned by such person and such person did not have knowledge of the existence or presence of such easement or underground facility.

Section 4. Notice of Intent to Excavate or Demolish.

- (a) A permit issued pursuant to law authorizing excavation or demolition operations shall not be deemed to relieve a person from the responsibility for complying with the provisions of this act. Any public agency issuing such permit shall notify the person receiving the permit of the notification requirements of this act; however, failure to provide

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such notification shall not make the state highway department subject to the penalties provided for in Section 10 of this act.

- (b) Before commencing any excavation or demolition operation prohibited by Section 3 of this act, each person responsible for such excavation or demolition shall give written, telephonic or electronic notice of such intent to excavate or demolish to the underground facility operator or a “One-Call Notification System” acting on behalf of the operator at least two but not more than 10 working days prior to the start of the proposed excavation and at least two working days but not more than 30 calendar days prior to the start of demolition or any blasting operations for either excavation or demolition. Written notice shall be by registered mail, return receipt requested, and shall be valid only upon receipt of the written information required by this act by the operator or by a “One-Call Notification System” acting on behalf of the operator.
- (c) The notice required by subsection (b) of this section must contain the name, address, and telephone number of the person responsible for the excavation or the demolition and the person giving notice, the proposed starting date and time, the type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition with sufficient details to enable the operator to locate same with reasonable certainty, and whether or not explosives are to be used. In the event the location requirements of this subsection cannot be met, the excavator shall mark the route or boundaries of the site of proposed excavation or demolition by means of white as the identifying color on stakes, flags, paint, buoys, or clearly identifiable materials placed on the surface of the ground or water.
- (d) Notification to an operator or to a “One-Call Notification System” acting on behalf of the operator of an intent to excavate shall be valid for a period of 10 working days from the proposed

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starting date given for excavation and the notice to demolish shall be valid for a period of 20 working days from the starting date given. Each person responsible for excavation or demolition shall renew with the underground facility operator or a “One-Call Notification System” acting on behalf of the operator each notice of intent to excavate or demolish at least two working days prior to the expiration date of the notice if the excavation or demolition has not been completed.

- (e) When engaged in an extensive and contiguous construction, demolition, or excavation activity, working agreements may be established to accomplish the intent and purpose of this act between operators, public agencies and contractors after initial compliance with the notification provisions of this act.
- (f) Compliance with the notice requirements of this section is not required of persons plowing less than 12 inches in depth for agricultural purposes.
- (g) Compliance with the notice requirements of this section is not required by persons or operators excavating on their own property or easement when no other persons or operators have underground facilities on the property or easement.
- (h) Except for those persons submitting design or survey locate requests, no person, including an operator, shall request markings of a site through the “One-Call Notification System” or an in-house program that meets the operational requirements as described in subsection (a) of Section 37-15-5, unless excavation is scheduled to commence. In addition, no person shall make repeated requests for remarking, unless the repeated request is for excavating to continue or due to circumstances not reasonably within the control of the person.

Section 4.1 Design and Survey Locate Requests.

- (a) Any person may submit a design or survey locate request to the “One-Call Notification System” or to an operator that provides an in-house program that meets the operational requirements as described

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in subsection (a) of Section 37-15-5.” The design or survey locate request shall describe the tract or parcel of land for which the design or survey locate request has been submitted with sufficient particularity as defined by policies developed and promulgated by the “One-Call Notification System” or to an operator that provides an in-house program that meets the operations requirements as described in subsection (a) of Section 37-15-5 to enable the facility operator to ascertain the precise tract or parcel of land involved and state the name, address, telephone number, and facsimile number of the person who has submitted the design or survey locate request and the company name of the project owner.

- (b) Within five working days after a design or survey locate request has been submitted to the “One-Call Notification System” or to an operator that provides an in-house program that meets the operations requirements as described in subsection (a) of Section 37-15-5 for a proposed project, the operator shall respond by one of the following methods:
- (1) Marking the approximate location of all underground facilities in the area of the proposed excavation.
 - (2) Providing to the person submitting the design or survey locate request the best available description of all underground facilities in the area of proposed excavation which may include drawings of underground facilities already built in the area or other facility records that are maintained by the facility operator.
 - (3) Allowing the person submitting the design or survey locate request or any other authorized person to inspect or copy the drawings or other records for all underground facilities within the proposed area of excavation.

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Section 5. Underground Damage Prevention Program.

- (a) (1) Operators who have underground facilities within this state shall either provide an in-house program which meets the operational requirements of receiving those excavation or demolition notifications as set forth in subsections (e) to (h), inclusive, of this section or shall participate in a "One-Call Notification System"; provided, however, that any operator who has less than ten thousand customers or subscribers and who provides an in-house program which meets all of the operational requirements of receiving those excavation or demolition notifications as set forth in this act shall not be required to provide the services of the in-house program on working days except during the hours that the operator's offices are open to the public and may, but shall not be required to, voice record the notification calls received.
- (2) Any operator, who elects not to participate in the "One-Call Notification System" and instead elects to provide an in-house notification system for receiving excavation and demolition notifications as provided in subdivision (1) and whose facilities are damaged by an excavator who has contacted the "One-Call Notification System" and the operator's in-house program concerning the location of underground facilities, shall be responsible for any damages to its underground facilities by the excavator if the operator fails to meet the operational requirements for receiving excavation and demolition notifications as required.
- (b) Between April 18, 1994 and January 1, 1995, or any time thereafter, any non-profit corporation, public corporation, or governmental entity desiring to become a "One-Call Notification System" shall apply to the Alabama Public Service Commission for a certificate of public convenience and necessity, verifying under oath that said applicant meets the requirements of this act. After a public hearing on said application, if the Alabama Public Service Commission deems that said applicant

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meets the requirements of this act, and if it is found that said applicant is fit, willing and able to properly perform the services proposed and that the proposed service is or will be required by the present or future public convenience or necessity, then in such event the Alabama Public Service Commission shall issue a certificate of public convenience and necessity authorizing said applicant to commence its operation as a "One-Call Notification System." The Alabama Public Service Commission shall further have the authority, and is required, to revoke a certificate if the non-profit corporation, public corporation, or governmental entity ceases to meet the requirements as set forth in this act.

- (c) The "One-Call Notification System" shall be incorporated or operated as a non-profit corporation and governed by a board of directors.
- (d) Operators of underground natural gas or hazardous liquid pipeline facilities or the "One-Call Notification System" acting on their behalf shall develop and implement a public awareness and damage prevention program to educate the general public, excavators and operators about the availability and use of the "One-Call Notification System" as required in applicable federal regulations and the requirements of this chapter.
- (e) The person giving notice of intent to excavate or demolish shall be furnished an individual reference file number for each notification and upon request shall be furnished the names of the operators to whom the notification will be transmitted.
- (f) An adequate record of notifications shall be maintained by the underground facility operator or the "One-Call Notification System" in order to document timely compliance with this chapter. These records shall be retained for a period of not less than three years and shall be made available at a reasonable cost upon proper and adequate advance request.
- (g) The services of the "One Call Notification System" should be provided on working days at least

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between the hours of 8 A.M. and 5 P.M.

- (h) A "One-Call Notification System" should voice record the notification telephone calls and after hour calls should at least reach a voice recording which explains emergency procedures.
- (i) All members of the "One-Call Notification System" shall provide the "One-Call Notification System" with the following information:
 - (1) The notification area data in a format as required by the current database system utilized by the "One-Call Notification System" for the locations in which members have underground facilities or for other reasons wish to receive notifications of proposed excavations, demolitions, or blasting. This information shall be updated at least once a year.
 - (2) The name, address and telephone number of a person to receive emergency notifications.
- (j) The "One-Call Notification System" shall promptly transmit the information received from the excavator, as set forth in Section 37-15-4, to its appropriate member operators.
- (k) All members of the "One-Call Notification System" who have changes, additions or new installations of buried facilities within the boundaries of the State of Alabama shall notify the "One-Call Notification System" of changes in the information required in subdivision (1) of subsection (j) of this section, within 30 days of the completion of such change, addition or new installation.

Section 6. Response to Notice of Intent to Excavate or Demolish.

- (a) (1) Each operator served with notice in accordance with Section 37-15-4, with underground facilities in the area, shall mark or cause to be marked or otherwise provide the approximate location of the operator's underground facilities by marking in a manner as prescribed herein prior to the proposed start of excavation, demolition or blasting. If any underground facilities become damaged due to

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an operator furnishing inaccurate information as to the approximate location of the facilities, through no fault of the operator, then the civil liabilities imposed by this chapter do not apply.

(2) In lieu of such marking, the operator may request to be present at the site upon commencement of the excavation, demolition or blasting.

(3) When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice relative to revising the original notice to the "One-Call Notification System" or the operator, all operators thus notified must attempt to contact the excavator within four hours and provide a response relative to any of their known underground facilities, active or abandoned, at the site of the excavation.

- (b) When marking the approximate location of underground facilities, the operator shall follow the color code designation in accordance with the latest edition of the American Public Works Association Uniform Color Code.
- (c) The color code designation referenced in this section shall not be used by any operator or person to mark the boundary or location of any excavation or demolition area. If the excavator elects to mark the proposed excavation or demolition site, the boundary or location shall be identified using white as the identifying color or with natural color wood stakes. White flags or white stakes may have a thin stripe, one inch or less of the designated color code, to indicate the excavator's proposed type of facility, if applicable.
- (d) Any contract locator acting on behalf of an operator is subject to this section.

Section 7. Emergency Excavation or Demolition.

- (a) Compliance with the notice requirements of Section 4 of this act, is not required of persons responsible for emergency excavation or demolition; provided, however, that such person gives, before

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commencing or as soon as practicable thereafter, notice of the emergency excavation or demolition to each operator having underground facilities located in the area or to the "One Call Notification System" acting on behalf of the operator. However, every person who shall engage in such emergency excavation or demolition shall take all necessary and reasonable precautions to avoid or minimize damage to existing underground facilities.

- (b) An excavator misrepresenting an emergency excavation or demolition is subject to the civil penalties imposed pursuant to Section 37-15-10.

Section 8. Precaution to Avoid Damage.

In addition to the notification requirements of Section 4 of this act, each person responsible for an excavation or demolition operation designated in Section 3, when performing excavation or demolition within the tolerance zone, shall do all of the following to avoid damage to or minimize interference with the underground facilities:

- (1) Determine the location of any marked underground facility utilizing noninvasive methods of excavation. For parallel type excavations, the existing facility shall be exposed at intervals as often as necessary to avoid damages.
- (2) Maintain a clearance of at least 18 inches between any underground facility and the cutting edge or point of mechanized equipment.
- (3) Provide such support for underground facilities in and near a construction area, including backfill operations, as may be reasonably required by the operator for the protection of the utilities.
- (4) Protect and preserve the markings of approximate locations of underground facilities until those markings are no longer required for proper and safe excavation or demolition.

Section 9. Excavation or Demolition Damage.

- (a) Each person responsible for any excavation or demolition operation that results in any damage to an underground facility, immediately upon

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discovery of such damage, shall notify the operator of such facility of the location of the damage or the one-call notification center operating on behalf of the underground facility owner and shall allow the operator reasonable time to accomplish any necessary repairs before completing the excavation or demolition in the immediate area of the damage to such facility.

- (b) In addition to subsection (a), each person responsible for any excavation or demolition shall immediately report to the operator or the one-call notification center operating on behalf of the underground facility owner and appropriate law enforcement agencies and fire departments of any damage to an underground facility that results in escaping flammable, corrosive, explosive, or toxic liquids or gas and shall take reasonable actions necessary to protect persons or property and to minimize safety hazards until those law enforcement agencies and fire departments and the operator arrive at the underground facility.

Section 10 Civil Penalties.

- (a) Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed \$10,000 for each such violation.
- (b) An action under this section shall be instigated by any person making a complaint in writing, verified by oath, that said person has reason to believe that a violation under this act has occurred.
- (c) Prosecution of violations of this chapter shall be by district attorney or the Attorney General and shall be brought in the circuit court for the county in which the violation, or some part thereof, arose or in the circuit court for the county in which the defendant resides or maintains his or her principal place of business within the state.
- (d) The amount of such penalties shall be dependent upon the degree of non-compliance, the amount of injury or damaged caused, the degree of threat to public safety, the degree of public inconvenience caused as a result of the violation, and the number

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of past violations. Mitigation of the penalty may be shown by “good faith” efforts of the violator to have complied with the provisions of this act.

- (e) All penalties recovered in such actions shall be paid into the General Fund of the State of Alabama.
- (f) In any successful action or petition brought under this section, the court shall award the office of the Attorney General or the office of the district attorney reasonable attorney’s fees and costs.
- (g) Any person who violates any provision of this chapter shall not be subject to payment of the assessed penalty in Section 10(a) if he or she has been assessed a civil penalty for this same violation under the provisions of the Federal Natural Gas Pipeline Safety Act of 1968 or the Federal Hazardous Liquid Pipeline Safety Act of 1979 or any amendment to these acts.
- (h) This chapter does not affect any civil remedies for personal injury or property damage or criminal sanctions except as otherwise specifically provided for in this chapter.
- (i) No civil penalty may be imposed pursuant to this section against an excavator or operator who violates any provision of this chapter if the violation occurred while the excavator or operator was responding to an emergency. Notwithstanding the foregoing, the civil penalty shall be imposed if the violation was willful or malicious.
- (j) This section shall not be construed to limit any provision of law granting governmental immunity to state or local entities or to impose any liability or duty of care not otherwise imposed by law upon any state or local entity.
- (k) Any person who willfully or maliciously removes or otherwise destroys a marking used by an operator to mark the location or any underground facility, except in the ordinary course of excavation, is guilty of a Class C misdemeanor.

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Section 11. Liberal Construction.

The provisions of this act shall be liberally construed as to effectuate the purpose of this act and the operation of a "One-Call Notification System."

Section 12. Severability.

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. Effective Date.

This act shall become effective on January 1, 1995.

S.B. 148

Section 3. Although this bill would have as its purpose or effect the requirements of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 4. This act shall become effective January 1, 2015, following its passage and approval by the Governor, or its otherwise becoming law.

LOCATE REQUEST FORM

Company Phone

Company Name

Company Address

Caller Name

Work Type

Work Done For

State

County

Place (City/Town)

Address

Street

Nearest Intersecting Street Within 1 Mile

Subdivision

Area To Locate (be very specific)

Blasting Y/N

Boring Y/N

KEEP THESE FOR YOUR REFERENCE:

Utilities Alabama 811 Will Notify: _____

Locate Ticket Reference Number: _____

