

**Alabama Act 94-487 Underground Damage Prevention Legislation
Major Point Proposed Revisions
2010**

Section 2: *Definitions* – added for clarification.

Section 4: *Notice of Intent to Excavate or Demolish:*

(c) Notification Information - update of information required to provide on a notification request.

(f) Exemption for water systems - Removal of exemption for water and sewer boards and rural water systems from having to notify facility owners before excavating.

(i) Penalty for unnecessary requests – penalty for repeated requests for marking when work is not being performed.

Section 5: *Underground Damage Prevention Program:*

(c) – (m) One Call System Structure – update for current operations to accommodate performance standards and technology

Section 6: *Response to Notice of Intent to Excavate or Demolish: Positive Response*

(b) Color Code – the defined color code is removed and reference made to the American Public Works Color code.

Section 7: *Emergency Excavation or Demolition:* Penalty provision for misrepresentation of emergency excavation.

Section 8: *Precautions to Avoid Damage:* Update for operations and technologies to avoid damage.

Section 9: *Excavation or Demolition Damage:* Requirement to report damages to underground facilities to facility owner and emergency response agencies.

Section 10: *Civil Penalties: Penalty Provision* – the current legislation allows for civil penalties but requires that any penalties collected should be paid to the State General Fund. The new provisions provide for changes in penalty provisions to allow for “staged” levels of penalties to address various incidents of violations. It also allows payments of penalties to be awarded to the prevailing party instead of the State General Fund to help ensure enforcement is encouraged. It encourages more enforcement of the provisions than the current structure therefore hopefully helping to reduce damages. Also there is a possibility that changes on a federal level may mandate more direct enforcement requirements in state legislation.

New Section: *Design/Survey Locate Requests: Design or Survey Locate Request* – the current legislation does not address locate requests for design or survey purposes. Currently the responses by underground facility owners vary on these types of requests. This new revision would allow for provisions for locates required for design or survey projects to be responded to under a designated time frame other than the routine response time. This will allow utilities to schedule these locates as they can be worked within the routine excavation request load. It should allow for these jobs to be responded to consistently by all underground facility owners. Instead of these being responded to within the routine two working day notice. The suggested time frame for survey/design locate to be responded to will be within a ten day time frame.