



# NOTICE

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This document summarizes certain select legislative changes for the convenience of intended recipients and is not a word-for-word or complete version of any laws or changes. Do not rely on this document as a statement of law and always refer to official versions.

# UPDATED DEFINITIONS

## Section 58-36-20

### EMERGENCY

Updated language to specify that service interruptions must involve existing essential utilities

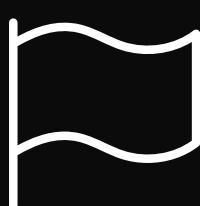
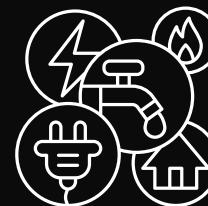


### EXCAVATION

Expanded the definition to better define drilling to include directional, horizontal, and vertical and added hand-digging, blasting, boring, driving, marine construction, partial-and full-depth patching, piling, soft digging, spudding, and staking

### OPERATOR

Added “provider of interactive fiber” and expanded to include entities that own, maintain, or operate a facility that is used to provide utility service to 3<sup>rd</sup> parties for commercial or multi-family residential purposes



### PRE-MARKING

Identifying the proposed excavation site using APWA color code rules; if notice indicates pre-marking, location must be described

# NEW DEFINITIONS

## Section 58-36-20

### LARGE PROJECT

A project involving extensive digging or demolition where locating underground lines and excavation work takes longer than the usual timeframes set by standard locate notice guidelines



### LARGE PROJECT LOCATION AGREEMENTS

An agreement between excavators, locators, and facility owners



### NOTICE

A required communication to the notification center before excavation or demolition begins



### COMMENCEMENT DATE

This is the date the excavator plans to begin work  
(The work start date on the ticket)



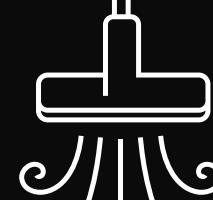
### PRIVATE FACILITY

Owned and operated by a person or entity that is not an operator



### PROJECT INITIATOR

Person or entity that causes a large project to be initiated



### SOFT DIGGING

Using tools or equipment that utilizes air or water pressure as the direct means to break up soil for removal by vacuum excavation

# ACTIVITIES NOT DEFINED AS EXCAVATION

Section 58-36-20

## OWNER OF A SINGLE FAMILY RESIDENTIAL PROPERTY

On their own land when excavation does not encroach on known ROWs or easements and is performed with nonmechanized equipment less than 12" deep (previously 10")



## OPERATOR OR AGENT OF OPERATOR

When using nonmechanized equipment for the purpose of locating for a valid notification request or for the minor repair, connecting, or routine maintenance of existing facilities

## ROAD RIGHT-OF-WAY MAINTENANCE

Activities by a governmental entity responsible for maintenance of roads and right-of-ways, within the ROW which includes resurfacing, milling, or emergency replacement of signs critical for safety, and the reshaping of shoulders and ditches to the original road profile, provided however this **does not apply to contractors or subcontractors acting on behalf of the entity; unless performing a repair related to a gubernatorial (Governor) declared emergency or an emergency declared by the Secretary of Transportation**



# LARGE PROJECTS



## SYSTEM AND PROCESSES

Section 58-36-50

Notification center must establish large project facility location agreements that must include the notice and responses and develop a system and process to assist project initiators, excavators, and facility operators with implementation of large project procedures

## TIME OR LENGTH

Section 58-36-20

58-36-20 It is expected to take more than 90 days to complete, or it is longer than 1 mile in length (2 sq mi polygon); Section 58-36-75 Notice must be given at least 30 days in advance and before the preconstruction meeting



## HIGHWAY INFRASTRUCTURE

Section 58-36-20

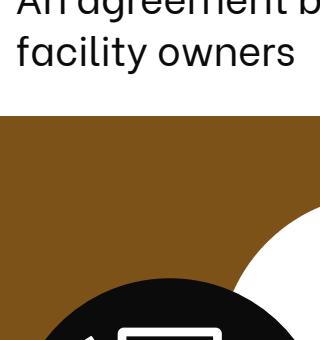
Digging, removing, or reshaping earth or rock to prepare the ground for the construction, repair, or expansion of roads, bridges, drainage systems, or other transportation-related structures



## DEVELOPMENT PROJECTS

Section 58-36-20

Includes site preparation for new subdivisions and commercial areas, involving the removal and grading of soil to create roads, utility lines, building foundations, and drainage systems as part of the different phases of construction



## LARGE PROJECT LOCATE AGREEMENT

Section 58-36-20

An agreement between excavators, locators, and facility owners



## LARGE PROJECT AGREEMENT REQUIREMENTS

Section 58-36-75

For large projects, all parties must work together in good faith to agree on customized notice and response procedures that fit the project's size and timeline while still protecting underground utilities; When this agreement is in effect, it takes precedence over the standard requirements

# ENFORCEMENT COMPLAINTS

Section 58-36-50



## RECEIVING COMPLAINTS

The notification center will receive complaints that have been received by the Attorney General's office

## REVIEW

Review notification records related to complaints



## GATHER INFORMATION

Contact and obtain information from parties involved



## INVESTIGATE

Investigate and mediate complaints within 6 months of receipt



## SUBMIT RECOMMENDATIONS

Enforcement committee will submit recommendations to the Attorney General after mediation with terms for the resolution



## PROVIDE ASSISTANCE

Provide other assistance that the Attorney General may request in regards to investigation resolution

# FINES AND PENALTIES

## Section 58-36-120



### TIMELINE ON FILING COMPLAINTS

Complaints must be filed within 45 days of the alleged violation

### VIOLATION DETERMINATION

If mediation could not be reached or is rejected, the Attorney General determines if there exists a *prima facie* case that a violation occurred



### ACTION FILED WITH COURT

If a violation occurred, the complainant will be authorized to file an action seeking the imposition of a civil penalty

### NOTIFICATION CENTER IS NOTIFIED

If an action is filed, the clerk of court shall forward a copy of the complaint to the notification center

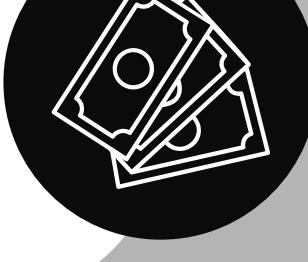


### MAY NEED TO TESTIFY

An employee of the notification center who participated in the investigation of the complaint may be called to testify regarding the steps taken within the notification center as it relates to the legal requirements

### COST OF VIOLATIONS

Civil penalties are \$5,000 per violation, with gross negligence violations carrying penalties of up to \$25,000 each; These penalties are separate from any civil remedies that may be pursued for personal injury or property damage.



# EMERGENCIES

## Section 58-36-80



### EMERGENCIES ONLINE – ACCESS REQUIRED

Users with Excavator Web Tickets Plus and appropriate training can handle emergency notices entirely online.

### TIME LIMIT TO RESPOND

Operators must respond with positive response within three hours of the emergency notice

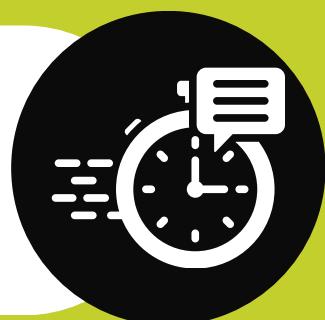


### MUST BE READY TO WORK

The person responsible for the emergency excavation must be on site or in communication with the operator through positive response within three hours of the notice being processed

### MUST STILL WAIT FOR RESPONSE

Declaring an emergency does not relieve any liability for causing damage to an operator's facilities



### FALSE EMERGENCIES

If someone falsely claims that an emergency exists, requiring excavation, it violates the law; Example: tree stump removal or other work that does not meet emergency requirements but the excavator does not want to wait for response.

# OPERATOR RESPONSIBILITY



## OPERATOR DAMAGES

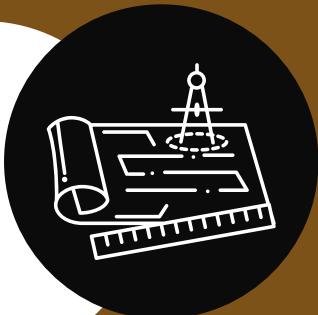
Section 58-36-70

Operators must provide the notification center a report on a quarterly basis of damage to its facilities caused by excavation and demolition

## DESIGN REQUEST RESPONSE CHANGE

Section 58-36-100 (B)

Operators will be required to respond to design requests with drawings or links via the Positive Response system



# EXCAVATOR RESPONSIBILITY

Section 58-36-60



START

## TICKET START DATE CALCULATION

Clarifies that the ticket entry date is excluded from the required timeframe for marking and response

## SUBCONTRACTOR LISTED REQUIREMENTS

A subcontractor can use a general contractor's notice as long as it specifies them by name




VS

## UPDATE VERSUS REMARK

When an excavator updates a notice, it just extends the time they have to work. Operators do not have to remark the lines unless a remark notice is issued

## ROUTINE TICKETS LIMITED TO A MILE TOTAL

Routine tickets can't be more than 1 mile; If it's between 1/4 mile and 1 mile, it must be split into smaller tickets no greater than 1320 ft or 5 side by side addresses (whichever is less in size)



## EXCAVATING WHEN MARKS ARE NOT VISIBLE

If an operator fails to respond to a ticket and there are no visible indicators—such as poles, markers, valves, or points where aerial facilities transition underground—the excavator may proceed with due care; However, if any such indicators are present, an additional notice must be submitted through the notification center before continuing

## CHANGE ON REPEATED NO SHOWS

If an excavator follows all the rules and the operator doesn't respond in time on a 3 hour No Show notice, the excavator won't be held responsible for damaging lines, unless its gas or hazardous liquid pipeline covered by safety laws



## EXCAVATION RULES IN THE TOLERANCE ZONE

Excavators cannot use mechanized equipment within the tolerance zone unless using soft digging tools designed to protect the facility; When crossing a marked facility, the excavator must visually confirm safe clearance above or below using hand digging or soft digging methods