

Alabama Underground Damage Prevention State Law Update

*Presented by: Ken Gilmore
Date: September 24, 2019*



811 Overview



- **Damage to underground facilities increased significantly following the building boom of the 1950's, 60's, and early 70's when the trend was to go underground with utilities.**
- **As more companies placed their facilities underground, the inconvenience of individually notifying all owners of underground lines became overbearing.**
- **The One-Call concept came about in the early 1960's in response to the needs of the construction industry, as well as the needs of utilities to protect their underground lines.**
- **Instead of calling each company individually, an excavator could make one phone call and reach several utilities.**



AL811 Overview



Alabama 811 is a communication network that provides free access for excavators, utility companies, and the general public to request a proposed excavation site to be marked for underground lines.

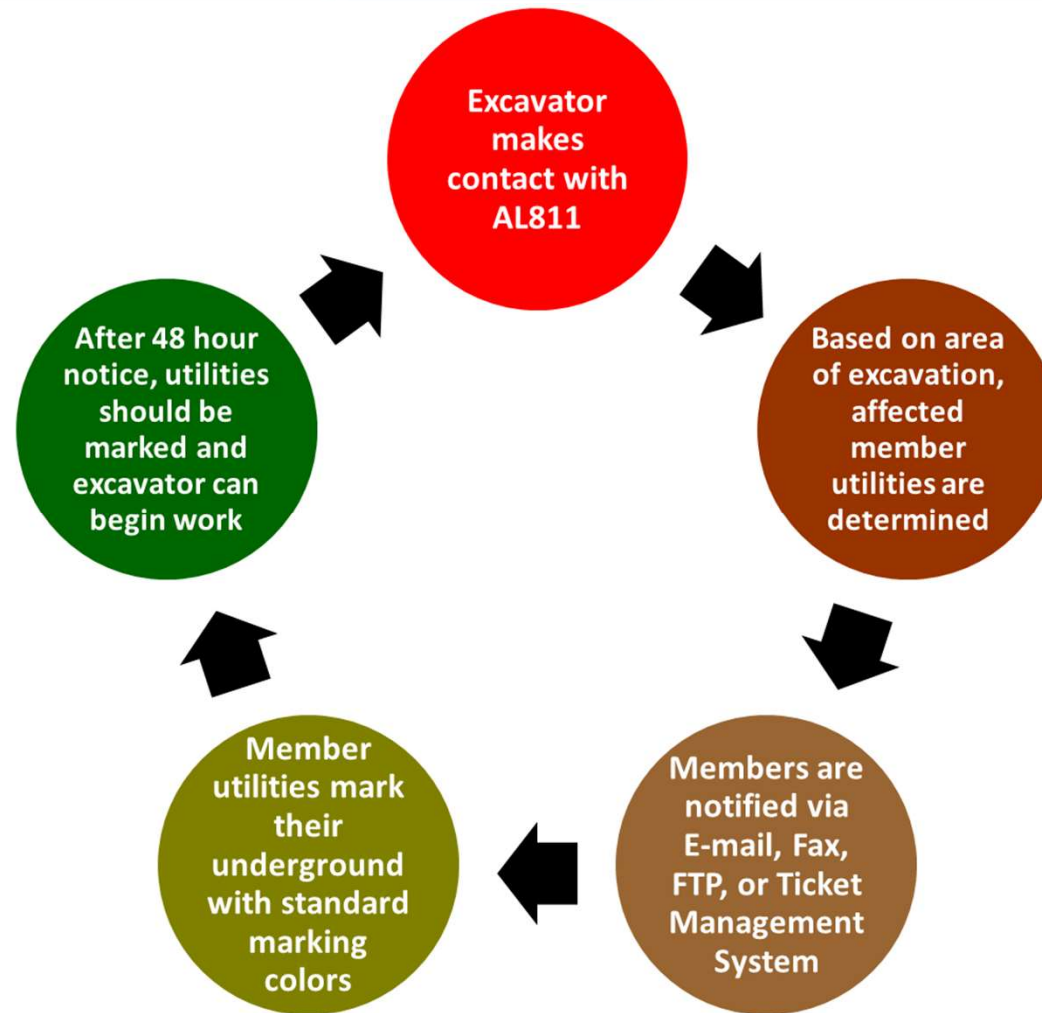


AL811 History

- In 1975, Alabama 811 began operations under the name Alabama Line Location Center as a joint venture between Alabama Power Company, Alabama Gas Corporation (now Spire), and South Central Bell (now AT&T).
- In 1999, the name was changed to Alabama One-Call and in 2011, the name was changed to the name used today, Alabama 811.
- The AL811 Office is located at 3104 Bates Lane in Fultondale, Alabama. On January 1st, 2016, AL811 began operating 24 hours, 7 days a week.



How AL811 Works



American Public Works Association (APWA) Color Code



White - Proposed Excavation

Pink - Temporary Survey Markings

Red - Electric

Yellow - Gas, Oil, and Steam

Orange - Communications/CATV

Blue - Potable Water

Purple - Other Water

Green - Sewer



Alabama State Law Overview



Purpose and Intent:

The purpose of the Alabama Underground Damage Prevention State Law 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.



Alabama State Law (Underground Facility Operator)



“Each operator served with notice in accordance with State Law, 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.”



Alabama State Law (Excavator)



“Before commencing any excavation prohibited by State Law, each person responsible for such excavation shall give written, telephonic, or electronic notice of such intent 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 excavation.”

Welcome to the Alabama 811 Portal Sign Up!

To sign up, simply fill in the form on the right.

Find Tickets
 Enter Tickets

Once you are done, hit the Submit button and your information will be sent to the center for processing. Shortly, you should receive a signup confirmation email.

To begin using the site, click the link in the email to activate your account. All of the features may

Cancel Submit

User Information

Email: Your email will be your user name for access.

Verify Email: Verify your email address.

Password: Enter a password. Verify your password.

Name: First Name Last Name

Address:

Cty/St/Zip: [] [] []

Phone: Just type the numbers, we'll format Extension

Company Information

Name: If you are not representing a company, just use

Company information is the same as the User information.

Address:

Cty/St/Zip: [] [] []

Phone: Just type the numbers, we'll format Extension

Comment: You can enter any information you wish to convey to the center about your account here. Please note, this is not a locate request. Once you have activated your



Emergency Excavations



- **Alabama State Law defines an emergency as a threat to life, health, property, and for the repair of utility service before the standard notification time period. With the exception of scheduled power interruptions, customer outage events meet the Alabama State Law definition of an emergency situation.**
- **In an emergency, the excavator should notify 811 and the affected facility owners as soon as reasonably possible that an emergency excavation condition exists. If an emergency excavation is deemed necessary, extreme caution should be used to avoid underground facility damage.**



Excavation Damage



- **If underground facility damage of any kind occurs during the excavation process, notify AL811 or the underground facility owner immediately.**
- **In addition, call 911 without delay if damage results in a gas leak or there is any potential safety hazard.**



Alabama State Law (Working Day Definition)



What is the definition of a working day?

Working Day (Current State Law): A 24-hour period commencing from the time of receipt of the notification, excluding Saturday, Sunday, and the following nine holidays:

- | | |
|---------------------|------------------------------|
| 1) New Year's Day | 6) Thanksgiving Day |
| 2) Memorial Day | 7) Friday After Thanksgiving |
| 3) Independence Day | 8) Christmas Eve |
| 4) Labor Day | 9) Christmas Day |
| 5) Veterans 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.

Alabama State Law Update



- **Over the past few years, several entities including the: 1) Alabama One-Call Study Commission, 2) Alabama Damage Prevention Alliance, and 3) AL811 Board of Directors have been working together to implement improvements to the Alabama Underground Damage Prevention State Law.**
- **A significant revision to State Law has been recently approved and signed by Governor Ivey and will go into effect on January 1, 2020.**
- **The following slides provide a high-level summary of the revised State Law. The revised State Law is expected to increase safety to the workers and citizens of Alabama.**

Alabama State Law Update



- 1) Universal (mandatory) membership will be required for all underground facility owners in a single Statewide One-Call Center (Alabama 811). Depending on the number of customers and miles of underground facilities for AL811 non-members, a transition period to become an AL811 member of up to two years (January 1, 2022) is allowed by State Law.**



Alabama State Law Update



- 2) The 2 working day excavation notice will extend to the next business day. For example, an excavation start day and time for a locate request of Monday 8:00AM will be the start of the day on Thursday (7:00AM), with an exception for emergency excavations. Additional examples are provided on the following slide.**



Alabama State Law Update



Notification	Excavation Start Day and Time	
Notification Day and Time Scenario	Current 2 Working Day Requirement	New 2 Working Day Requirement Beginning Next Business Day
Monday 8:00 am	Wednesday 8:00 am	Thursday Start of Day *
Monday 12:00 noon	Wednesday 12:00 noon	Thursday Start of Day *
Monday 4:00 pm	Wednesday 4:00 pm	Thursday Start of Day *
Monday 8:00 pm **	Thursday Start of Day *	Thursday Start of Day *
Friday 8:00 am	Tuesday 8:00 am	Wednesday Start of Day *
Tuesday 10:00 am (Holiday on Wednesday)	Friday 10:00 am	Monday Start of Day *
Thursday 10:00 am (Holiday on Monday)	Tuesday 10:00 am	Wednesday Start of Day *

* Start of Day is 7am.

** Locate Request processed as part of AL811 After-Hour Services. After-Hour Services are from 5:00 pm to 7:00 am, weekends and holidays.

Alabama State Law Update



- 3) If location directions for a proposed excavation site cannot be adequately described, the excavator will be required to premark the area (using white paint, flags, stakes, etc.) prior to notifying AL811. Premarking is not required by State Law where premarking could reasonably interfere with traffic or pedestrian control.



- 4) Locate ticket lifetime increases from 10 working days to 20 working days from the excavation starting date.

Alabama State Law Update



- 5) After determining that no underground facility is present or after completion of excavation site marking, the underground facility owner will be required to provide a positive response to AL811. This State Law requirement will become mandatory on January 1, 2021. Note: Alabama Power Company underground facility locators have already implemented the positive response system.

Responses

Response

Alabama Power - Birmingham Division - APC1CL (APC1CL) For Electric
Last Action on 08/21/2018 04:49:08 PM was Located: Facilities Marked - Facilities Marked
Response History:
* On 08/21/2018 04:49:08 PM by usicapi - Located: Facilities Marked
Comment:

ATT / D (ATTD01) For Phone
Last Action on 08/21/2018 04:49:08 PM was Clear: No Conflict for Area Requested - No facilities in the area requested for excavation
Response History:
* On 08/21/2018 04:49:08 PM by usicapi - Clear: No Conflict for Area Requested
Comment:

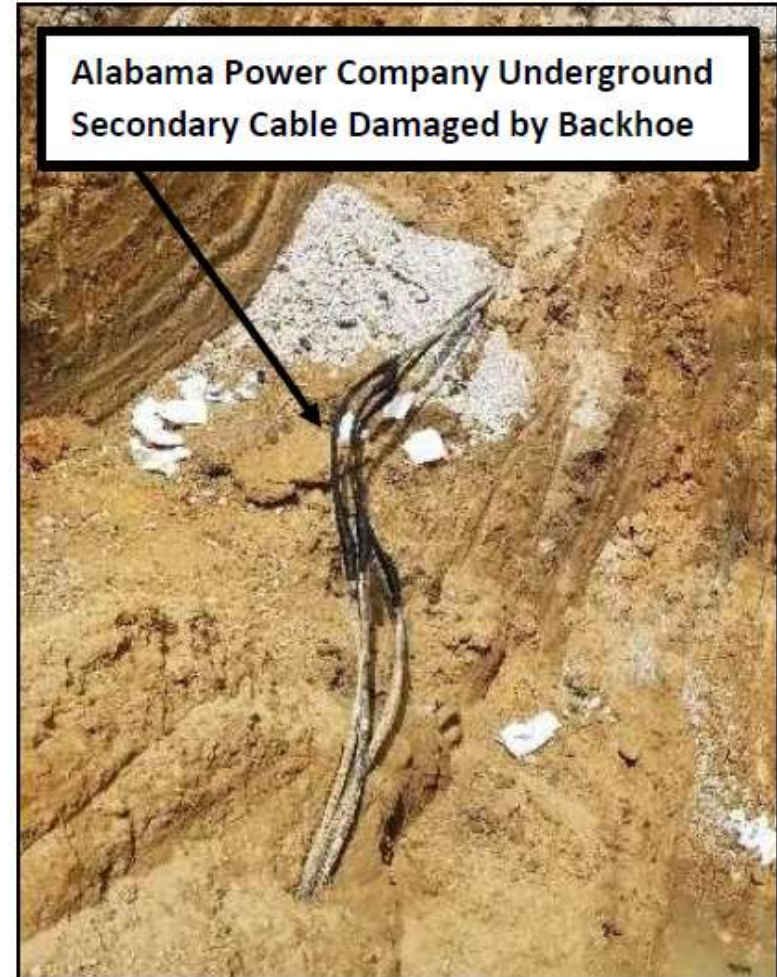
Charter Communications of Alabama (CHAL01) For Cable
Last Action on 08/21/2018 04:49:08 PM was Clear: No Conflict for Area Requested - No facilities in the area requested for excavation
Response History:
* On 08/21/2018 04:49:08 PM by usicapi - Clear: No Conflict for Area Requested
Comment:

Note: At the present time, utility replies to the Positive Response System are VOLUNTARY. There may not be an electronic positive response from all utility members posted on-line.

Alabama State Law Update



- 6) If excavation results in underground facility damage or if there is a significant “near miss” that could have resulted in damage, the revised State Law requires that a report be submitted by the underground facility owner to AL811. Each report must be submitted no later than March 31 for damages that occurred during the prior year.
- 7) Any person who violates State Law, shall be subject to a civil penalty as follows:



Alabama State Law Update



- (a) For a first violation, the violator shall complete a course of training or pay a civil penalty in an amount not to exceed \$500 per incident, or both.**
- (b) For a second or subsequent violation within a 12-month period, the violator shall complete a course of training or pay a civil penalty in an amount not to exceed \$1000 per incident, or both.**
- (c) For a third or subsequent violation within a 12-month period, the violator shall complete a course of training and pay a civil penalty in an amount not to exceed \$3,000 per incident.**
- (d) If a violation is found to be the result of gross negligence or willful noncompliance, the violator is required to complete a course of training and pay a civil penalty not to exceed \$10,000 per incident.**

Alabama State Law Update



- 8) A new stakeholder-based Underground Damage Prevention Authority will review complaints of alleged State Law violations and will determine penalty fines, if any. A complaint must be submitted to the Underground Damage Prevention Authority no later than 30 days after the alleged violation occurrence.**





Underground Damage Prevention Authority Violation Complaint Form

Information on Person Filing Complaint

Company Name for Person Filing Complaint

Name of Person Filing Complaint

First Name Last Name

Address of Person Filing Complaint

Street Address

Street Address Line 2

City State / Province

Postal / Zip Code



Underground Damage Prevention Authority Violation Complaint Form

Type of Alleged Violation/Root Cause *

- Excavation/Demolition without a valid locate request
- Excavation/Demolition before locate request was valid
- Excavation/Demolition beyond the 20 day expiration without an updated locate request
- Excavation/Demolition outside the requested locate area
- Use of mechanized equipment within the marked tolerance zone
- Failure to use reasonable care within the tolerance/safety zone
- Reporting a false emergency for a locate request
- Facility was not located or marked
- Did not locate within the required amount of time
- Failure to join the 811 Center and utilize the services of the 811 Notification System
- Not reporting damage to the underground facility owner
- No notification of 911/emergency responders when required
- Other (describe below)
-

If Other is selected, please provide a description of the alleged violation.

Alabama State Law Update

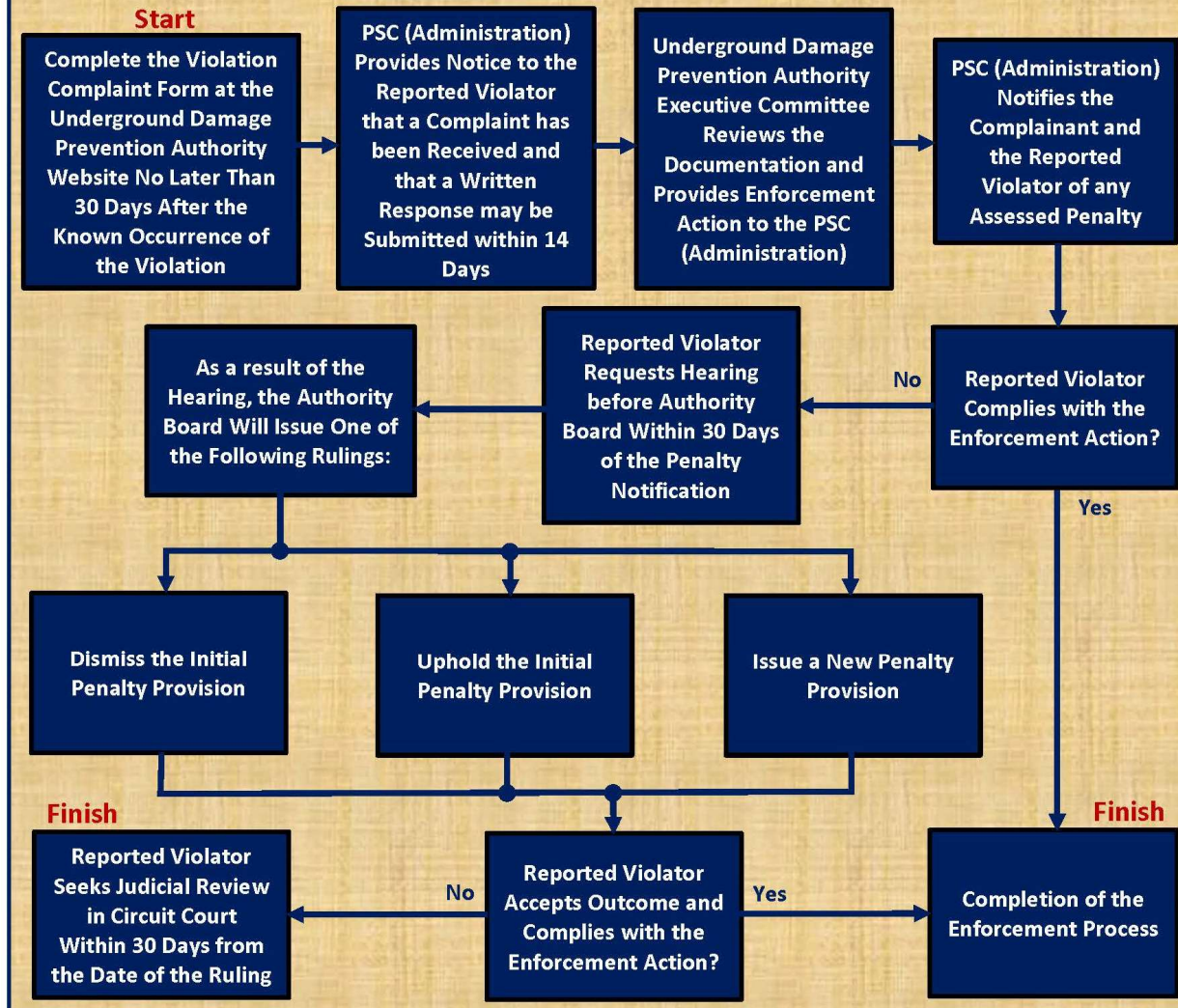


- 9) **Once a complaint is received by the Underground Damage Prevention Authority, the reported violator is notified that a written response to the violation may be submitted within 14 days.**

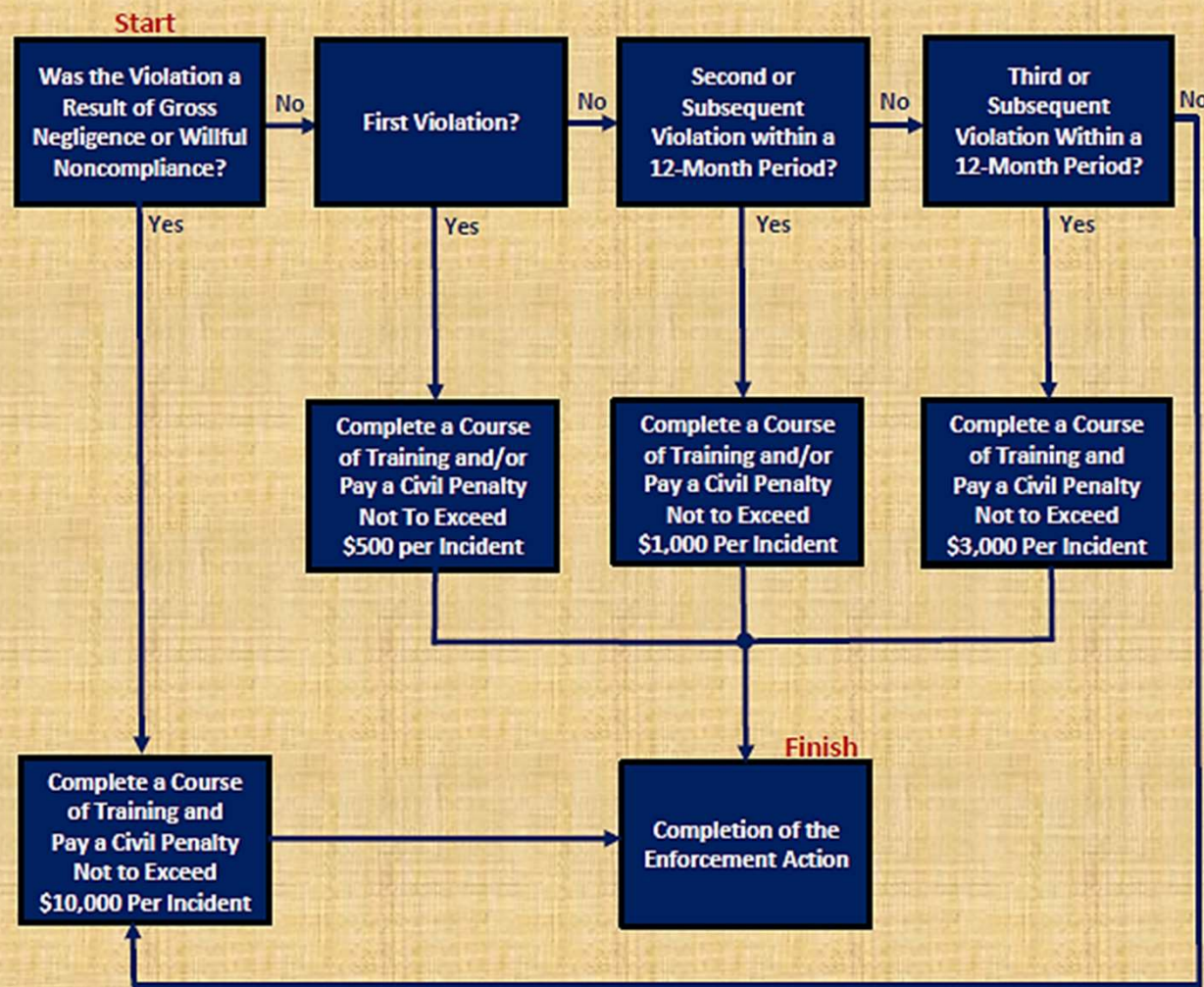
- 10) **Once a reported violator is notified of the designated penalty, the violator may pay the penalty, or dispute the penalty and request a hearing before the full Authority Board. The request for a hearing before the Authority Board must be done within 30 days of the issuance of the penalty notification.**



Underground Damage Prevention State Law - Enforcement Process Flowchart



Underground Damage Prevention State Law - Penalty Flowchart



Timeline Summary



**January 1,
2020**

- **Two Working Day Notice Extension**
- **20 Working Day Ticket Lifetime Extension**
- **Implementation of Enforcement Process**
- **Implementation of Damage Reporting**

**January 1,
2021**

- **Operators with more than 25,000 Customers or more than 500 miles of Underground Facilities must become an AL811 Member**
- **Implementation of Positive Response**

**January 1,
2022**















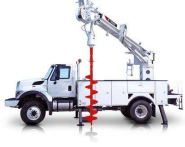
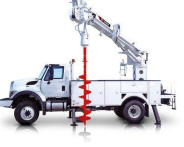
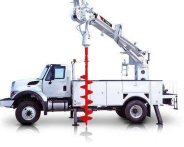








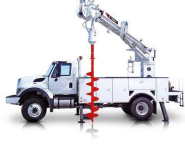








- **Operators with less than 25,000 customers or less than 500 miles of Underground Facilities must become an AL811 Member**

Questions or Comments?



Alabama State Law Update

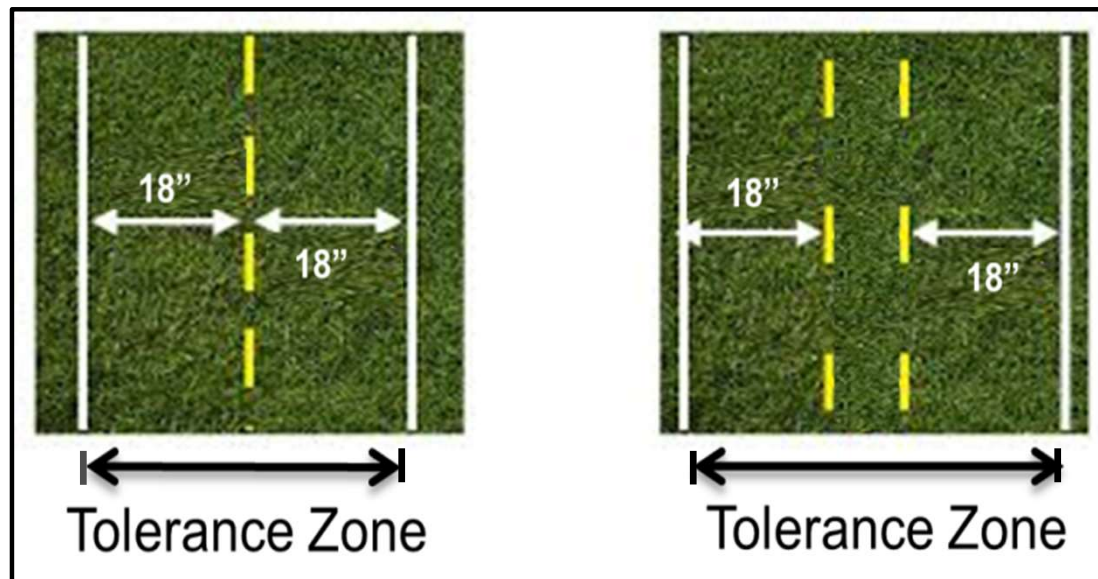


Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						
						
						
						
						

Alabama State Law (Excavator)



For Alabama, the tolerance zone (buffer zone) is defined as the width of the underground facility plus 18 inches on either side of the outside edge of the facility. The excavator is required to maintain a tolerance zone between the marked location of the underground facility and the cutting edge of any mechanized equipment and the unexposed underground facility.



Summary

