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Official Business

Alaska State Legislature

SENATE

State Capitol
Juneau, AK 99801-1182

Senate Labor & Commerce Committee

Sponsor Statement

SB 330: Underground Locate Standards

Senate Bill 330 was introduced at the request of the Alaska Telephone Association to provide an understanding of the standards and responsibilities for locating and excavating underground facilities throughout the state for utilities and contractors. Requests for review were sent to:

- ARECA (Alaska Rural Electric Cooperative Association)
- AGC (Associated General Contractors)
- APUC (Alaska Public Utilities Commission)
- Anchorage Homebuilders Association

SB 330 amends AS 42.30 to set out responsibilities for excavators, construction project owners and underground facility owners when a locate is requested. It provides for a penalty if an excavator intentionally damages a located underground facility.

Currently, there are some national standards related to the issue of locating and uncovering underground utilities, but nothing as comprehensive as SB 330.

Senate Labor & Commerce Committee
Section by Section
CS SB 300(RES): Underground Facility Locates

Section 42.30.400:

Excavator gives notice to each underground facility operator and requests location of underground facility:

- at least two, but not more than 15 days before excavation (for other than remote/unstaffed location)
- at least 10, but not more than 20 days before excavation (for remote/unstaffed location)
- for emergency locates - immediate notification and request for prompt locate

If facility subscribes to one-call locate, excavator may call that number to give notice (for other than emergency locates).

Sec. 42.30.410:

Operator accepts requests to locate during regular business hours and keeps requests for one year.

Operator responds within two working days after receiving the request; as long as response happens before excavation.

Operator field marks its underground facilities with reasonable accuracy; or provides excavator with best information available about location.

If facilities cannot be field marked with reasonable accuracy, facility provides on-site assistance until excavator no longer needs assistance locating facility.

Field marks for facilities buried less than 10 feet:

located within 24 horizontal inches of the outside dimensions of the facility

Field marks for facilities buried greater than 10 feet:

located within 30 horizontal inches of the outside dimensions of the facility

Excavator must stop excavating if he discovers an underground facility not marked or inaccurately marked. Excavator not held liable for inadvertent damage in this case.

Facility has right to receive compensation in responding to a request received outside of minimum notice requirement.

Sec. 42.30.420

Construction project owner indicates in bid documents the existence of underground facilities.

Sec. 42.30.430

Excavator has duty to avoid damage to underground facilities.

Sec. 42.30.440

Penalty: \$50 - \$1,000/offense if contributes to damage of facility
Court may grant injunctive relief to facility operator under finding of threatened damage.

Sec. 42.30.450

Operator and excavator may waive requirements of this bill, but on a geographic area.

Sec. 42.30.460

Allows for notice to be given to operator of a facility if owner cannot be found.

Sec. 42.30.490

Definitions

LOCATE CALL CENTER OF ALASKA, INC.

2221 E. Northern Lights Blvd. Suite 136
Anchorage, Alaska 99508
(907) 279-1122 FAX (907) 278-0696

February 6, 1996

James Rowe
Executive Director
Alaska Telephone Association
4341 B Street, Suite 304
Anchorage, Alaska .99503

Dear Mr. Rowe:

Thank you for sending me the draft of the proposed underground utilities legislation.

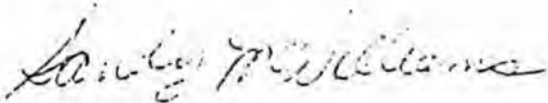
I am familiar with the Washington legislation and know it has been well received by the underground utility community in that state.

From a "one-call" standpoint, the only suggestion I have is to change the reference to a "one-number locator service" (on pages 3, 5, and 6) to a "one-number locate notification service." The Alaska one-call center (as with all other centers of this type) receive locate information and transmit this information to other entities who actually perform the locate. By calling this a "locator service" there may be some misunderstanding as to who is actually doing the locate.

The Anchorage Area Utility Association has discussed pursuing this type of legislation for years. Your organization is to be congratulated for taking the steps to move forward.

Please call me if I can be of further assistance

Sincerely,



Sandy McWilliams
President



STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

ALASKA PUBLIC UTILITIES COMMISSION

TONY KNOWLES, GOVERNOR

1016 WEST SIXTH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99501-1963
PHONE: (907) 276-6222
FAX: (907) 276-0160
TTY: (907) 276-4333

March 12, 1998

Honorable Loren Leman
Chairman
Senate Labor & Commerce Committee

Via fax 465-3810

Ref: SB 330

Dear Senator Leman:

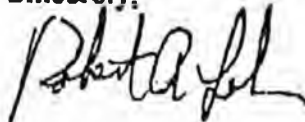
Thank you for asking the view of the Alaska Public Utilities Commission on SB 330 concerning underground locate standards. I have reviewed the bill and see no direct impact on the Commission. It does not mention the APUC. The bill adds a new section to AS 42.30, but as drafted the Department of Law advises us that the Commission lacks authority to enforce provisions in this chapter.

The Commission has not addressed the bill, except to estimate its fiscal impact as zero. It is not the case that the issue of underground locates is a low-priority item for the Commission. Rather, this bill focuses on the conduct of excavators, who lie beyond the scope of APUC authority over public utilities.

The Commission's responsibility to ensure safe, adequate and reliable utility service at just and reasonable rates would be enhanced by a system that encourages excavators to obtain reliable information concerning the location of underground facilities before they dig and penalizing them if they fail to do so.

Please let me know if you have any questions. Again, thanks for the opportunity to comment.

Sincerely,



Robert A. Lohr
Executive Director

Alaska Telephone Association

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776

David Fauske
President

James Rowe
Executive Director

December 23, 1997

Doug Askerman
Anchorage Home Builders Association, Inc.
8301 Schoon Street, Suite 200
Anchorage, AK 99518

Dear Mr. Askerman:

The enclosed state locate standards draft has been submitted to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. It's been circulated for comment and modification among a number of utilities and the Associated General Contractors of Alaska. I think it fairly spells out the responsibilities of all parties involved in locating and excavation of underground utilities.

Based on a Washington statute, this draft was initiated by the Alaska Telephone Association's Engineering and Planning Committee which, recognizing that there are stricter municipal standards, believed that a minimum statewide standard for locates would be beneficial for utilities, contractors and the public. As I'm sure you're aware, the telephone industry is experiencing new entities placing facilities in the ground. Timely and accurate locates will only become more important as the building continues.

I'd be pleased to hear any comments or suggestions you have regarding this draft and I expect the respective chairs of the committees, Sen. Loren Leman and Rep. Norman Rokeberg, would also welcome your thoughts. If you'd like to get together to discuss this, please call me at 563-4000.

Happy holidays.

Sincerely,



James Rowe

Alaska Telephone Association

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776

David Fauske
President

James Rowe
Executive Director

State Underground Locate Standards

Purpose of the Proposed Locate Legislation

The purpose of this proposed legislation is to provide an understanding of the standards and responsibilities of the locate and excavation of underground utilities throughout the state for utilities and contractors. Adherence to these standards will reduce damage to utilities, decrease outages to customers, promote safety for industry employees and the public, and serve the public interest.

With an ever increasing profusion of utilities being placed underground, the need for cooperation and coordination among contractors and utilities is escalating. This draft assigns accountability in a fair manner to facilitate efficient and safe construction and maintenance of utilities, minimize monetary loss and avoid hazardous conditions.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 330(RES)

- 1 Page 4, line 6: *yes*
2 Delete "; liability"
- 3 Page 4, lines 16 - 23:
4 Delete all material.
- 5 Reletter the following subsection accordingly.
- 6 Page 4, line 31:
7 Delete "civil actions"
8 Insert "injunctive relief"
- 9 Page 5, lines 8 - 14:
10 Delete all material.
- 11 Page 6, line 18:
12 Delete all material.
- 13 Renumber the following paragraphs accordingly.

LOCATE CALL CENTER OF ALASKA

OPERATING GUIDELINES

The Locate Call Center of Alaska and the utilities participating in this Call Center have established the following guidelines for operation:

1. All markings shall be in accordance with the American Public Works Association Uniform Color Codes of

Red electric power lines, conduit, cables and lighting cables.

Yellow gas, oil, steam, petroleum and gaseous materials.

Orange communication, alarm or signal lines, cables or conduit. (some local TV companies use pink)

Blue water, slurry and irrigation lines.

Green sewers and drain lines.

2. Some utilities choose to mark their lines using the following abbreviations:

S sanitary sewer	E electric power
ST storm sewer	TV television
W water	T telephone
G gas	POL petroleum oil line

3. A circle will be drawn around pedestals and poles to allow for any loops that might be buried. Hand digging is required within this circle.
4. Hand digging is required within 2 feet of either side of outside dimensions of the underground facility.
5. Clear, visible marks with white paint or staking may be used by the party requesting a locate to denote the area of excavation.
6. After a locate has been performed in an area, it is the responsibility of the party requesting the locate to reference or maintain the locate marks during the construction period. The utilities may charge for lines that need to be remarked.

7. Directions given for locating will be stated as north, south, east, or west, if possible.

8. Site meets are required by Anchorage Water & Wastewater and are available with other utilities, but must be requested at the time of the locate request. Site meets will be scheduled by each utility.

9. The standard locate time for each utility varies from 15-45 minutes of locating per site visit. Addition locating time per site visit may be requested, but must be scheduled in advance by each utility.

10. A utility shall provide a surface mark at the location requested, showing the location of its underground facilities within the excavation site on or before the time of excavation. Anchorage Municipal Ordinance requires the notification of excavation be at least two business days before excavation.

If a utility fails to provide a requested surface mark by the excavation date, the excavator may proceed. If the excavator reveals that a surface mark has been incorrectly provided, or if an

underground facility is found in an unmarked excavation site, the excavator may proceed but only in a manner which avoids damage to such underground facility and must immediately notify the affected utility. (AMO 26.90)

11. Anytime a utility is cut, pulled, or even scraped slightly, the excavator is to call the Locate Call Center and report the incident. The Locate Call Center will then give the excavator further information on reporting this damage. A facility may be damaged when contact is made even though external damage is not visible.
12. Even though a request is made for a specific utility locate, the Call Center will still notify all utilities in the area. The caller will be asked to explain why they requested only a specific utility.
13. If a party requests an emergency locate, states it meets the definition of threat to life and property, and must be located in less than the minimum of two business days required period, and the locator determines this was not so, there may be a charge for this locate.

14. If a short notice or urgent locate request is made (requesting a locate in less than the minimum two business days notification period), the utilities will be notified, but immediate response is not guaranteed. If the requestor is willing to pay the utility standard rates, and if the utility can provide the locate, the locate may be performed prior to the standard time requirements.

15. Lower priority will be given to any request for design purposes. Whenever possible, it is suggested that these requests be made during the "off" (winter) season.

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**THINK SAFETY,
CALL FIRST !!!!**

**LOCATE CALL CENTER
OF ALASKA**

.....



LOCATE CALL CENTER OF ALASKA, INC.

**OPERATING
GUIDELINES**

BEFORE YOU DIG...

**Call to Request an
Underground Utility Locate!**

.....

**Anchorage Bowl Area
278-3121**

**Statewide Toll Free
800-478-3121**



Municipality of Anchorage

Rick Mystrom, Mayor



Municipal Light & Power

1200 East First Avenue
Anchorage, Alaska 99501-1685

Telephone: (907) 279-7671, Telecopiers: (907) 263-5804, 277-9272

10 March 1997

James Rowe, Executive Director
Alaska Telephone Association
4341 "B" Street, Suite 304
Anchorage, AK 99503

Dear Mr. Rowe,

ML&P is supportive of the Alaska Telephone Association's efforts to enact State legislation pertain to underground locates. When the Anchorage utilities initiated the formation of a One-Call within the Municipality in 1986 we opted for a municipal ordinance because we couldn't find a legislator willing to carry the banner to the legislature. ATA's attempt for state legislation is timely since there is a current movement for federal legislation that would dictate to states without such legislation.

The Locate Center of Alaska has worked out well for its 26 members which are primarily located in the Anchorage area, Kenai Peninsula, and Mananuska-Susinta Borough and some rural utilities. It has virtually eliminated dig-ins caused by excavators that didn't call for locates (historically the largest group of offenders).

Attached is ML&P's detailed analysis of ATA's proposed bill. The language of the proposed bill is in the left hand column and our suggested changes and comments in the right hand column. The portions of the text that is in bold in the right hand column emphasize the changes in intent from the proposed bill. Also attached is a copy of Anchorage's current ordinance.

It would be to ATA's advantage to obtain input from the Anchorage Area Utility Association; they worked closely with the Utility Contractors Association in gaining their support for the Anchorage ordinance.

Sincerely

Thomas R. Stahr
General Manager

Attachments: ML&P Comments on proposed legislation

~~Alaska Telephone Association~~

4341 B Street, Suite 304
Anchorage, AK 99503
(907)563-4000
FAX (907)562-3776

Duane C. Durand
President

James Rowe
Executive Director

February 3, 1997

Bob Yivisaker
President
Anchorage Area Utility Association
P.O. Box 2929
Palmer, AK 99645

Dear Mr. Yivisaker:

The Alaska Telephone Association is interested in establishing minimum statewide standards to reduce damages to underground facilities as well as above ground facilities; thereby promoting safety and protecting the public interest. To that end we have produced the enclosed draft legislation -- modeled after legislation in Washington -- and we would appreciate your review and comments.

Sincerely,

James Rowe

enc.

Alaska Telephone Association

JAMES ROWE
Executive Director

201 E. 56th, Suite 114
Anchorage, AK 99518

907-563-4000
Fax 907-562-3776
e-mail: jrowe@ptialaska.net

Telephone Association

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776

James Rowe
Executive Director

November 24, 1997

Kimberly Crisafulli
ENSTAR
3000 Spenard Road
Anchorage, AK 99503

Dear Ms. Crisafulli:

Thank you for your help with the number of locates earlier today. I look forward to receiving your year end compilation when it is available.

Enclosed is a draft of the proposed locate legislation we expect to have introduced in January. It has been shared with utilities and contractors and I encourage widespread distribution. Over the past year I have made a number of changes in response to suggestions. I welcome your input.

Sincerely,



James Rowe

~~Alaska Telephone Association~~

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776

David Fauska
President

James Rowe
Executive Director

December 23, 1997

Pat Wolfe
Alaska Building Contractors
720 W. 58th Avenue
Anchorage, AK 99518

Dear Pat,

The enclosed state locate standards draft has been submitted to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. It's been circulated for comment and modification among a number of utilities and the Associated General Contractors of Alaska. I think it fairly spells out the responsibilities of all parties involved in locating and excavation of underground utilities.

Based on a Washington statute, this draft was initiated by the Alaska Telephone Association's Engineering and Planning Committee which, recognizing that there are stricter municipal standards, believed that a minimum statewide standard for locates would be beneficial for utilities, contractors and the public. As I'm sure you're aware, the telephone industry is experiencing new entities placing facilities in the ground. Timely and accurate locates will only become more important as the building continues.

I'd be pleased to hear any comments or suggestions you have regarding this draft and I expect the respective chairs of the committees, Sen. Loren Leman and Rep. Norman Rokeberg, would also welcome your thoughts. If you'd like to get together to discuss this, please call me at 563-4000.

Happy holidays.

Sincerely,



James Rowe

Alaska Telephone Association

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776

David Fauske
President

James Rowe
Executive Director

December 23, 1997

Henry Springer
Executive Director
Associated General Contractors of Alaska
4041 B Street
Anchorage, AK 99503

Dear Mr. Springer:

Last August I sent you a copy of the enclosed state locate standards draft and solicited your comments. After you distributed it, Ken Smith of Wire Communications and Electrical, Inc. called me with concern regarding the treble damages paragraph (page 7), but he didn't offer any suggestions. I'd think the "willful and malicious" intent that triggers the treble damages would be deemed a benefit by most contractors.

Since (other than Mr. Smith's comment) I've received no adverse reaction, I submitted it without change to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. I think it fairly spells out the responsibilities of all parties involved in locating and excavation of underground utilities.

Based on a Washington statute, this draft was initiated by the Alaska Telephone Association's Engineering and Planning Committee which, recognizing that there are stricter municipal standards, believed that a minimum statewide standard for locates would be beneficial for utilities, contractors and the public. As I'm sure you're aware, the telephone industry is experiencing new entities placing facilities in the ground. Timely and accurate locates will only become more important as the building continues.

I'd still welcome any suggestions you have regarding this draft and I expect the respective chairs of the committees, Sen. Loren Leman and Rep. Norman Rokeberg, would also welcome your thoughts. If you'd like to get together to discuss this, please call me at 563-4000.

Happy holidays.

Sincerely,



James Rowe