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# Alaska State Legislature

## Senate



Official Business

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.

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 penalties, including treble damages, if an excavator knowingly or intentionally damages a located underground facility.

Although the Alaska Public Utilities Commission has the authority to create locate standards, it has been a low priority item due to the commission's workload. (See AS 42.05.141 and AS 42.05.291(c)).

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

# SENATE COMMITTEE REPORT

DATE: 3/23/98

FURTHER:

DATE TURNED IN TO OFFICE: 4/7/98

Resources Committee considered SENATE BILL NO. 330

"An Act relating to underground facilities."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 330 (RES)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kerwin D. Herman</i>	✓	<i>Both Ways Lyda Street</i>	✓		
			✓		
CHAIR:		CHAIR: <i>Rick Halford</i>	✓		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>S. LIC</i>	<i>3/13</i>	<i>X</i>	

*APPLIES TO CS*

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 1  
BILL Bill Version: (SSB 330) (Leg)  
(S) Publish Date: 3-23-98

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected None  
Title Underground Utilities BRU \_\_\_\_\_  
Sponsor Senate L+C Committee Component \_\_\_\_\_  
Requester Senate L+C Committee Component Serial No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

There is no fiscal impact on any state department.

Prepared by A. Krcitzer, Committee Aide Phone 465-3844  
 Division \_\_\_\_\_ Date 3-13-98  
 Approved by Senator Loren Leman, Chairman Date \_\_\_\_\_  
 Agency (S) Labor and Commerce Committee

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**CS FOR SENATE BILL NO. 330( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to underground facilities."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1. AS 42.30 is amended by adding new sections to read:**

4 **Article 6. Locating Underground Facilities.**

5 **Sec. 42.30.400. Excavator's notice of proposed excavation.** (a) Before  
6 beginning an excavation, an excavator shall give notice of the proposed excavation to  
7 each underground facility operator who has an underground facility in the area of the  
8 proposed excavation and request the operator to field mark the location of its  
9 underground facility. The excavator shall notify an underground facility operator who  
10 subscribes to a notification center by giving notice to the center. The excavator shall  
11 notify an underground facility operator listed in the applicable telephone directory who  
12 is not a subscriber to a notification center by giving notice directly to the operator.

13 (b) Except in the case of an emergency locate request or a request to locate  
14 in a remote, unstaffed, or inaccessible location, the excavator shall notify an  
15 underground facility operator who may have a facility in the area of a proposed

1 excavation at least two but not more than 15 working days before the date scheduled  
2 for beginning the excavation. In the case of a request to locate in a remote or  
3 unstaffed location, the excavator shall notify the operator at least 10 but not more than  
4 20 working days before the scheduled date for beginning excavation.

5 (c) In an emergency, the excavator shall immediately notify each underground  
6 facility operator in the area of the emergency and of the need for the excavation and  
7 request prompt location of underground facilities.

8 **Sec. 42.30.410. Operator's response to request to locate; immunity related**  
9 **to unmarked or inaccurately marked facilities.** (a) An underground facility  
10 operator shall accept requests to locate underground facilities during the operator's  
11 regular business hours. An operator who receives a request to locate shall maintain  
12 for at least one year an accurate record of the request and responses to the request.

13 (b) When an underground facility operator receives a request to locate, it shall  
14 notify the excavator of the location of the underground facilities that the operator is  
15 able to field mark with reasonable accuracy and field mark those facilities. If the  
16 operator owns, uses, or operates an underground facility that is identified as being in  
17 the area of the proposed excavation but that the operator cannot field mark with  
18 reasonable accuracy, the operator shall provide the excavator with the best information  
19 available to the operator about its location and shall provide on-site assistance until the  
20 facility is located or until the excavator no longer needs assistance in locating that  
21 facility.

22 (c) The field marks for an underground facility buried 10 feet deep or less  
23 must be located within 24 horizontal inches of the outside dimensions of the facility.  
24 For a facility buried deeper than 10 feet, the operator shall locate the field marks  
25 within 30 horizontal inches of the outside dimensions of the facility. The operator  
26 shall use stakes, paint, or other clearly identifiable material to show the field location  
27 of the underground facility. The marker used to designate the approximate location  
28 of an underground facility must follow the current color code standard used by the  
29 American Public Works Association.

30 (d) Except for an underground facility in a remote, unstaffed, or inaccessible  
31 location, an underground facility operator shall respond to a request to locate promptly.

1 A response is considered to be prompt if it is made within two working days after the  
2 operator receives the request or at a later time so long as the response occurs before  
3 the beginning of the excavation. For an underground facility in an accessible remote  
4 or unstaffed location, the operator shall respond within 10 working days after the  
5 operator receives the request or at a later time so long as the response occurs before  
6 the beginning of excavation.

7 (e) After an operator has field marked an underground facility, the excavator  
8 is responsible for maintaining the markings.

9 (f) An excavator may not begin to excavate until each underground facility has  
10 been field marked.

11 (g) When an operator has field marked an underground facility once at the  
12 request of an excavator, the operator has the right to receive compensation from the  
13 excavator for costs incurred in responding to subsequent requests to locate the same  
14 underground facility during the same excavation project if the excavator failed to  
15 maintain the original marking.

16 (h) If an excavator discovers an underground facility that was not field marked  
17 or was inaccurately field marked, the excavator shall immediately stop excavating in  
18 the vicinity of the facility and shall notify the operator of the discovery. The  
19 excavator may notify the operator by means of a notification center. The operator  
20 shall treat the notification as a request to locate in an emergency and shall respond  
21 accordingly. An excavator may not be held liable for inadvertent damage caused to  
22 an unmarked or an inaccurately marked underground facility.

23 (i) Unless the request to locate is made in response to an emergency, an  
24 underground facility operator has the right to receive compensation for costs incurred  
25 in responding to a request to locate that gives the operator less notice than the  
26 minimum notice required by this section. This subsection may not be interpreted to  
27 require the operator to respond to the request to locate within the time requested in the  
28 notice.

29 **Sec. 42.30.420. Responsibility of construction project owners.** The owner  
30 of a construction project that will require excavation shall indicate in bid documents  
31 or contracts for construction the existence of underground facilities that the project

1 owner knows are located inside of the proposed area of excavation. This requirement  
2 does not release the excavator from the excavator's responsibility under AS 42.30.400  
3 - 42.30.490.

4 **Sec. 42.30.430. Obligations concerning the conduct of excavations; liability.**

5 (a) An excavator shall use reasonable care to avoid damaging an underground facility.  
6 The excavator shall

7 (1) determine, without damage to the facility, the precise location of  
8 an underground facility whose location has been marked;

9 (2) plan the excavation to avoid damage to and minimize interference  
10 with an underground facility in or near the excavation area; and

11 (3) to the extent necessary to protect a facility from damage, provide  
12 support for an underground facility in and near the construction area during the  
13 excavation.

14 (b) If an underground facility is damaged by failure to fulfill an obligation  
15 under AS 42.30.400 - 42.30.490, the party failing to perform the obligation is liable  
16 to the other party for damages resulting from the failure to perform. Damages may  
17 include

18 (1) costs incurred by an excavator if an operator has not field marked  
19 or has inaccurately field marked an underground facility; and

20 (2) the normal overhead charges that can be allocated to having to  
21 respond to the party's failure to perform.

22 (c) An excavator who, in the course of excavation, contacts or damages an  
23 underground facility shall notify the operator. If the damage causes an emergency, the  
24 excavator shall also alert appropriate local public safety agencies and take reasonable  
25 steps to ensure public safety. A damaged underground facility may not be reburied  
26 until it is repaired or relocated to the satisfaction of the operator. The operator of an  
27 underground facility that was damaged during excavation shall arrange for repair or  
28 relocation of the facility as soon as practical.

29 **Sec. 42.30.440. Penalties; civil actions.** (a) A person who violates a  
30 provision of AS 42.30.400 - 42.30.490 is subject to a civil penalty of not less than \$50  
31 nor more than \$1,000 for each offense if the violation results in or significantly

1 contributes to damage to an underground facility.

2 (b) If the court finds that an excavator is violating or threatening to violate a  
3 provision of AS 42.30.400 - 42.30.490 and the violation may result in damage to an  
4 underground facility, the court may grant injunctive relief to the underground facility  
5 operator.

6 (c) An excavator is liable to the operator of an underground facility for three  
7 times the operator's cost in repairing and relocating the facility if the excavator

8 (1) intentionally damages a field marked underground facility; or

9 (2) knows of an underground facility that is near a planned excavation  
10 and the excavator fails to notify the underground facility operator as required by  
11 AS 42.30.400; notification under this paragraph may be made directly to the operator  
12 or, if appropriate, through a notification center.

13 **Sec. 42.30.450. Waiver of requirements by written agreement.** An operator  
14 and an excavator may, by written agreement, waive the requirements of AS 42.30.400  
15 - 42.30.490 that the excavator notify the operator of planned excavations and that the  
16 operator locate underground facilities. The agreement must identify the geographic  
17 areas to which the waiver applies and the time period for which the waiver is valid.

18 **Sec. 42.30.460. Underground facility owner.** If the operator of an  
19 underground facility is not the owner of the facility and if the operator cannot be  
20 identified or has been identified but cannot be reached in a reasonable amount of time,  
21 the excavator may give the notice required by AS 42.30.400 - 42.30.490 to the owner  
22 of the underground facility and the owner shall assume the duties and responsibilities  
23 of the operator under AS 42.30.400 - 42.30.490.

24 **Sec. 42.30.490. Definitions.** In AS 42.30.400 - 42.30.490,

25 (1) "damage" means

26 (A) the substantial weakening of structural or lateral support of  
27 an underground facility;

28 (B) penetration, impairment, or destruction of any underground  
29 protective coating, housing, or other protective device; and

30 (C) the partial or complete severance of an underground facility  
31 to the extent that the project owner or facility operator determines that repairs

- 1 are required;
- 2 (2) "emergency" means
- 3 (A) a condition that constitutes a clear and present danger to
- 4 life, health, or property; or
- 5 (B) an unplanned service interruption;
- 6 (3) "excavation" means
- 7 (A) an activity in which earth, rock, or other material on or
- 8 below the ground is moved or otherwise displaced by any means;
- 9 (B) road maintenance that changes the original road grade;
- 10 (C) demolition or movement of earth by equipment, tools, or
- 11 explosive device except tilling of the soil less than 12 inches in depth for
- 12 agricultural purposes;
- 13 (4) "excavator" means a person who conducts excavation in the state;
- 14 (5) "inaccessible" means impossible or unreasonably difficult to reach
- 15 due to conditions beyond the control of the underground facility operator;
- 16 (6) "intentionally" has the meaning given in AS 11.81.900(a);
- 17 (7) "notification center" or "center" means a service through which a
- 18 person is able to call one number to notify member operators of underground facilities
- 19 that an excavation is proposed and to request the operators to mark facilities located
- 20 inside of the proposed excavation area;
- 21 (8) "operator" means a person who supplies a service for commercial
- 22 or public use by means of an underground facility;
- 23 (9) "person" means any individual, public or private corporation,
- 24 political subdivision, government agency, municipality, industry, partnership,
- 25 copartnership, association, firm, trust, estate, or any other entity whatsoever;
- 26 (10) "remote" means not accessible by road;
- 27 (11) "underground facility" means a pipe, sewer, conduit, cable, valve,
- 28 line, or wire, including attachments and those parts of poles or anchors that are below
- 29 ground, for use in connection with the storage or conveyance of water, sewage,
- 30 telecommunications, cable television, electricity, petroleum, petroleum products,
- 31 hazardous liquids, or flammable, toxic, or corrosive gas;

1  
2  
3

(12) "unstaffed" means not normally staffed with employees;

(13) "working day" means a day on which an underground facility operator is open for regular business.

Amendment #1

AMENDMENT

TO CSSB 330(L&C)

BY \_\_\_\_\_

Page 2, line 11 following "least":

DELETE "three years",

and

INSERT "one year"

Amendment #2

AMENDMENT

TO CSSB 330(L&C)

BY \_\_\_\_\_

Page 3, line 421 following "accordingly.":

ADD: "An excavator shall not be liable for inadvertent damage caused to an inaccurately field marked underground facility."

Amendment #3

AMENDMENT

TO CSSB 330(L&C)

BY \_\_\_\_\_

Page 5, line 4 following "(1)":

DELETE "knowingly or"

Page 6, line 14:

DELETE "(7)" and renumber

Amendment #4

AMENDMENT

TO CSSB 330(L&C)

BY \_\_\_\_\_

Page 6, line 31:

DELETE "(14)" and renumber



# CHUGACH ELECTRIC

ASSOCIATION, INC.

EUGENE N. BJORNSTAD, P.E.  
General Manager

March 30, 1998

Senator Rick Halford  
Senate Resources Committee  
Room 121  
State Capitol  
Juneau, Alaska 99801-1182

**FAX**

Dear Senator Halford:

Thank you for the opportunity to comment on SB 330. Chugach Electric supports this bill because it addresses an issue which is critical to the reliability of electric service.

We have the following suggested additions to the bill which are consistent with the intent of the bill.

I. Charges for locate services. Add the following as a new subsection 410 (j)

(j) For public utilities whose rates are regulated by the Alaska Public Utilities Commission, repayment of cost of locate services shall continue to be established by tariff by the commission under authority granted pursuant to A.S.42.05.141.

**Purpose of this proposed change.** This change allows the bill to retain its focus on obligations and strong incentives to make efforts to obtain the locate services. The proposed change allows cost recovery for locate services to remain in the tariff of each regulated utility rather than trying to deal with it by legislation.

II. Definition of "repair." Add to the proposed A.S.42.30.430 (b) so that it reads as follows:

(b) If an underground facility is damaged by failure to fulfill an obligation under A.S.42.30.400 - 42.30.490, the party failing to perform the obligation is liable to the other party for damages resulting from the failure to perform. Damages shall [may] include but are not limited to

Senator Rick Halford  
March 30, 1998  
Page 2

1. The lesser of:
  - A. The cost of restoring the operator's facility to a condition of no less service life, integrity or reliability than that which existed prior to the damage, including, if necessary, replacement of the facility between the logical junction points on the system, or
  - B. Three times the cost of a full repair not including the replacement of the entire span between junction points; and
2. the normal overhead charges that can be allocated to having to respond to the party's failure to perform.

Purpose of this proposed change. This change addresses a problem which we have had with entities which have destroyed underground cable. This language would establish the measure of damages in a way which reflects the true damage to the system. It is critically important that the measure of damage reflect the degradation to the reliability of the system which occurs when splices are inserted where none would normally be needed. Splices are a significant source of cable failures. In the harsh frozen ground environment, underground cable failures are a very serious problem. It is essential that there be strong incentives not to create unneeded splices and when they are caused that the entity which causes the damage be assessed costs which reflect degradation of reliability to the electric facilities.

III. Definition of "operator." Revise the definition of "operator" so that it reads:

"Operator" means a person who owns, manages, or controls any underground facility used to furnish a service or commodity for commercial or public use.

Purpose of this proposed change. This is necessary to prevent the possibility that an excavator might be deemed to have given adequate notice to the operator by simply giving notice to an entity such as a power marketer which arguably "supplies a service" but which does not own, control or manage any facilities at all. This revised definition fits with the definition of a public utility already in A.S. 42.05.990

IV. Exposure of energized cables. Add the following subsection (d) to the proposed A.S. 42.30.430.

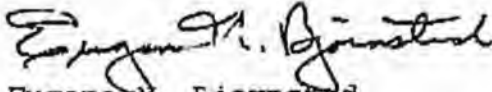
(d) Where an excavator exposes an energized cable, regardless of whether it has been damaged, the excavator shall arrange and pay for the cost of a qualified person to remain at the

Senator Rick Halford  
March 30, 1998  
Page 3

site until such time as the facility is reburied at least to a depth required by applicable Federal, State or Municipal codes or until such time as the facility has been de-energized by the operator.

Purpose of this proposed change. This is necessary because most people do not realize that, unlike normal household appliances, exposed underground cables are potentially dangerous even if they appear to be well insulated and undamaged. Unqualified personnel, and in particular children, need to be absolutely prevented from gaining access to the cables anytime they are exposed and energized.

Sincerely,



Eugene W. Ejornstad  
General Manager

## STATE OF ALASKA

DEPARTMENT OF COMMERCE AND  
ECONOMIC DEVELOPMENT

## ALASKA PUBLIC UTILITIES COMMISSION

TONY KNOWLES, GOVERNOR

1016 WEST 30TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99501-1963  
PHONE: (907) 276-6222  
FAX: (907) 276-0160  
TTY: (907) 276-4533

March 12, 1998

Honorable Loren Leman  
Chairman  
Senate Labor & Commerce Committee

Via fax 465-3810

Ref: SB 330

Dear Senator Leman:

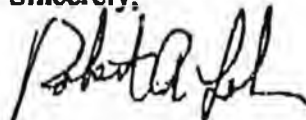
Thank you for asking the view of the Alaska Public Utilities Commission on SB 330 concerning underground locate standards. I have reviewed the bill and see no direct impact on the Commission. It does not mention the APUC. The bill adds a new section to AS 42.30, but as drafted the Department of Law advises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

# LOCATE CALL CENTER OF ALASKA, INC.

2221 E. Northern Lights Blvd. Suite 136  
Anchorage, Alaska 99508  
(907) 279-1122 FAX (907) 270-0696

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.

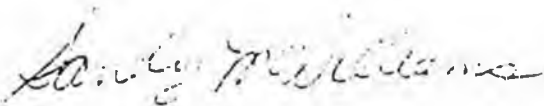
I am familiar with the Washington legislation and know it has been well received by the underground utility community in that state.

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





Municipality of Anchorage  
Rick Myster, 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

# ~~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 Fauske  
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

# 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:

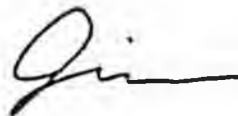
The enclosed state locate standards draft has been submitted to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. It's been circulated for comment and modification among a number of utilities and the Associated General Contractors 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

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**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.

# 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 marking 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.

•••••  
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