



ADPA Update

Bob Gardner

December 2014

Alabama PSC Pipeline Safety Seminar

Who is the ADPA?

Utilities &
Pipeline Co.

Government

Alabama
811

Railroads

Contractors

Associations

Who is the ADPA?

ACTS Now, Inc.

Alabama 811

Alabama Cable
Telecommunications
Association

Association of
County
Commissions of
Alabama

Alabama Fire
College

Alabama Gas
Corporation

Associated General
Contractors of
Alabama

Alabama Municipal
Electric Authority

Alabama Natural
Gas Association

Alabama Power
Company

Alabama PSC
Commission and
Pipeline Safety
Office

ALDOT

Alabama Utility
Contractors
Association

AT&T

Benton Georgia, Inc.

Electric Cities of
Alabama

Kinder Morgan

Mobile Gas

Railroad
Associations

Southeast Alabama
Gas

USIC Locating
Services

Verizon Business

What is our Focus?



2014 Activities

- ❑ Legislative proposal passed
- ❑ Four additional meetings
- ❑ Damage Prevention Summit – June 2014

2014 Activities



Path Forward

- ❑ Enact 2014 law
 - ❑ Alabama 811, Contractors and Utilities

- ❑ Continue legislation and education activities in 2015
 - ❑ Governor's Task Force in 2015
 - ❑ Prepare for 2016 Legislative Session

- ❑ Obtain PHMSA's formal approval to restore the State One Call and the Damage Prevention grants to the APSC
 - ❑ Minor changes to the current law

For More Information

- Get on the mailing list
- Come to the December 10 meeting in Birmingham
- Register for the 2015 Summit in Montgomery
- Visit www.adpa.com



2014 Legislative Changes

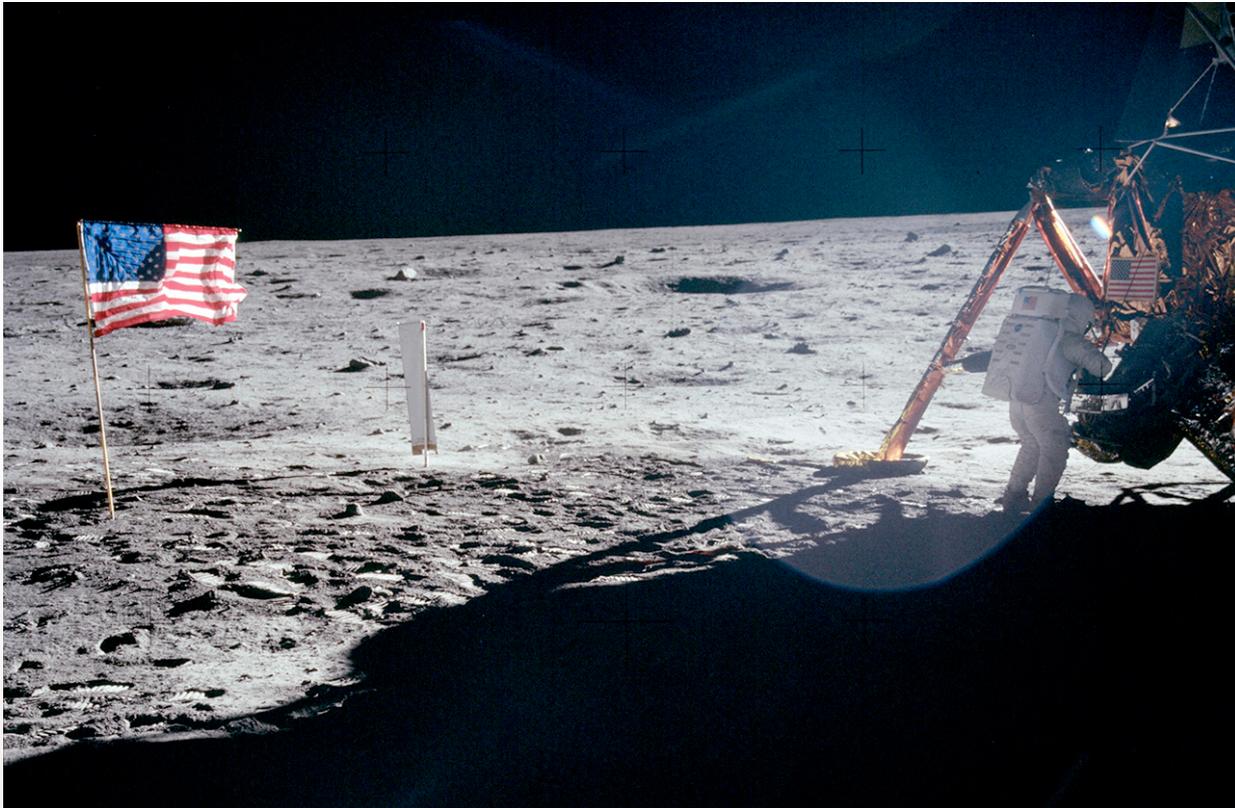
2014 Legislative Changes

- Senate Bill 148

- Changes Effective 1/1/15

One Small Step...

July 20, 1969 - *"...that's one small step for man, one giant leap for mankind."* – Neil Armstrong

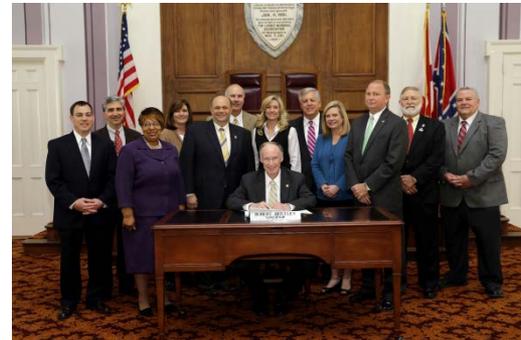


April 16, 2014



Senate Bill 148

- ❑ First read January 14
- ❑ Commerce, Transportation and Utilities Committee
 - ❑ One Call Membership requirements opposition –substitute submitted
 - ❑ Excluded the membership requirements
 - ❑ Kept the current requirements for underground facility owners to participate in the one call system or maintain an in-house program
- ❑ Amended bill unanimously passes Senate and House
- ❑ Signed into law on April 2
- ❑ Ceremonial signing April 16



Changes Effective 1/1/15

- ❑ Definitions
- ❑ Notice of Intent to Excavate or Demolish
- ❑ Design or Survey Locates
- ❑ Response to Notice of Intent to Excavate or Demolish
- ❑ Emergency Excavation
- ❑ Precaution to Avoid Damage
- ❑ Excavation or Demolition Damage
- ❑ Civil Penalties

Routine Roadway Maintenance

Maintenance work on a roadway that is not done pursuant to a contract awarded by a state or local government through a bid process for which plan drawings have been developed in advance or work for which detailed and specific scheduling is not possible or feasible.

Excavation

- ❑ Excavate or excavation **does not include routine roadway maintenance activities carried out by state or local government road maintenance employees or contractors,**
 - ❑ provided that the activities occur entirely within the right-of-way of a public road, street, or highway;
- ❑ are carried out with reasonable care so as to protect any utility facilities placed in the right-of-way by permit;
- ❑ are carried out within the limits of any original excavation on the traveled way, shoulder, or drainage ditches of a public road, street, or highway;
- ❑ and, if involving the replacement of existing structures, including traffic control devices, replace such structures in their approximate previous locations and at their approximate previous depth.

Excavation

- ❑ Excavate or excavation **does not include routine railroad maintenance activities conducted within the track structure and its adjacent right-of-way,**
 - ❑ provided the activities are performed by railroad employees or railroad contractors and are carried out with reasonable care so as to protect any underground facilities placed in the railroad right-of-way by agreement with the railroad.

Notice of Intent to Excavate or Demolish

- ❑ Change “calendar day” references to “working day”
 - ❑ Ticket life 10 working days (excavation) and 20 working days (demolition) consistent with notification period being based on working days
- ❑ Modify exception for governmental entity and railroad maintenance work via new excavation definition in 37-15-2
- ❑ Remove exception for water and sewer boards and rural water authorities

Design or Survey Locates

Any communication to the "One-Call Notification System" or an in-house program of an operator which meets the operational requirements of receiving those excavation or demolition notification described in subsection(a) of Section 37-15-5, specifically to **request existing underground facilities to be located for bidding, predesign, or advance planning purposes.**

A design locate request may not be used for excavation purposes and an excavation locate request may not be used for design or survey purposes

Design or Survey Locates

a) **Any person may submit a design or survey locate request** to the "One-Call Notification System or to an operator that provides an in-house program... The design or survey locate request shall **describe ...with sufficient particularity...**to enable the facility operator to ascertain the precise tract or parcel of land involved and state the **name, address, telephone number, and facsimile number** of the person who has submitted the design or survey locate request and the **company name of the project owner.**

Design or Survey Locates

(b) **Within five working days** after a design or survey locate request has been submitted... for a proposed project, **the operator shall respond by one of the following methods:**

(1) **Marking the approximate location** of all underground facilities in the area of proposed excavation.

(2) **Providing** to the person submitting the design or survey locate request **the best available description** of all underground facilities in the area of proposed excavation **which may include drawings** of underground facilities already built in the area **or other facility records** that are maintained by the facility operator.

(3) Allowing the person submitting the design or survey locate request or any other authorized person **to inspect or copy the drawings or other records** for all underground facilities within the proposed area of excavation.

Response to Notice of Intent to Excavate or Demolish

- ❑ Update **utility marking color designation** to current version of American Public Works Association
- ❑ Require any **contract locator** working for an underground facility owner comply with guidelines of this section

Emergency Excavation or Demolition

- Add **civil penalty** provision for misrepresenting an emergency excavation request

Precaution to Avoid Damage

- ❑ Update information related to **safe digging practices** when working in the 18" tolerance zone

Excavation or Demolition Damage

- Require **notice** to underground facility owner, one call center or non-member operator, law enforcement and fire department personnel **when facilities are damaged during excavation that result in escaping flammable, corrosive or toxic liquid or gas**

Civil Penalties

- Allow Attorney General and District Attorneys to **collect court costs and penalties** associated with enforcement
- Allow for **prosecution as a Class C misdemeanor** for willful and malicious removal of marks, except in the course of ordinary excavation

Acknowledgements

- Alabama PSC
- Alabama 811
- ADPA
- Sen. Allen & Sen. Marsh
- Dave Stewart

Closing Thoughts

“Not everything that counts can be counted and not everything that can be counted counts.” – Einstein

