

State Damage Prevention Law Summary

State: Alabama

(Link to State law provided in Law & Regulation section below)

Summary Date: 8/7/2017

Excavator Requirments	
Excavation: Definition	Alabamba (AL) Code Section 37-15-2 (8) EXCAVATE or EXCAVATION. Any operation for the purpose of the movement or removal of earth, rock, or other material by mechanized equipment or explosive device and includes, but is not limited to, augering, backfilling, blasting, boring, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scraping, sub-soiling, trenching, and tunneling. Excavate or excavation does not include routine roadway maintenance activities carried out by or for those responsible for publicly-maintained roadways, 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. 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. Nothing in this chapter shall modify or abrogate any contractual provision entered into between any railroad and any other party owning or operating an underground facility or underground utility lines within the railroad's right-of-way.
Excavator: Definition	AL Code § 37-15-2 (9) EXCAVATOR. Any person who engages in excavation.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	AL Code § 37-15-4 (b) Before commencing any excavation or demolition operation prohibited by Section 37-15-3, each person responsible for such excavation or demolition shall give written, telephonic, or electronic notice of such intent to excavate or demolish 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 the proposed excavation and at least two working days but not more than 30 calendar days prior to the start of demolition or any blasting operations for either excavation or demolition. Written notice shall be by registered mail, return receipt requested, and shall be valid only upon receipt of the written information required by this chapter by the operator or by a "One-Call Notification System" acting on behalf of the operator.
Ticket Life (# of days)	10 working days from the proposed starting date given for excavation; 20 working days from the starting date given for demolition. (AL Code § 37-15-4 (d))
White-Line Required (Yes / No)	Yes - but only In the event the location requirements of § 37-15-4 (c) cannot be met.
Tolerance Zone	18" (AL Code § 37-15-2 (1))
Special Digging Requirements Within Tolerance Zone (Specific Language)	AL Code § 37-15-8. In addition to the notification requirements of Section 37-15-4, each person responsible for an excavation or demolition operation designated in Section 37-15-3 shall, when performing excavation or demolition within the tolerance zone, shall do all of the following to avoid damage to or minimize interference with the underground facilities: (1) Determine the location of any marked underground facility utilizing noninvasive methods of excavation. For parallel type excavations, the existing facility shall be exposed at intervals as often as necessary to avoid damages. (2) Maintain a clearance of at least 18 inches between any underground facility and the cutting edge or point of mechanized equipment. (3) Provide such support for underground facilities in and near a construction area, including backfill operations, as may be reasonably required by the operator for the protection of the utilities. (4) Protect and preserve the markings of approximate locations of underground facilities until those markings are no longer required for proper and safe excavation or demolition.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes. (AL Code § 37-15-8 (1))
Preserve / Maintain Marks Required (Yes / No)	Yes. (AL Code § 37-15-8 (4))

Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	No No requirement; however, see AL Code Section 37-15-6 (3) for reference to "When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice..."
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No
Special Language Regarding Trenchless Technology (Yes / No)	Yes. (AL Code § 37-15-8 (1))
Separate Locate Request Required for Each Excavator (Yes / No)	Yes. (AL Code § 37-15-4 (b))
Notify Operator of Damage (Yes / No)	Yes. (AL Code § 37-15-9 (a))
Notify One Call Center of Damage (Yes / No)	Yes. (AL Code § 37-15-9 (a))
Call 911 if Hazardous Materials Released (Yes / No)	Yes. (Equivalent; AL Code § 37-15-9 (b))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>AL Code § 37-15-2 (8) ...Excavate or excavation does not include routine roadway maintenance activities carried out by or for those responsible for publicly-maintained roadways, 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. 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. Nothing in this chapter shall modify or abrogate any contractual provision entered into between any railroad and any other party owning or operating an underground facility or underground utility lines within the railroad's right-of-way.</p> <p>§ 37-15-4: "(f) Compliance with the notice requirements of this section is not required of persons plowing less than 12 inches in depth for agricultural purposes. (g) Compliance with the notice requirements of this section is not required by persons or operators excavating on their own property or easement when no other persons or operators have underground facilities on the property or easement. (h) Except for those persons submitting design or survey locate requests, no person, including an operator, shall request markings of a site through the "One-Call Notification System" or an in-house program that meets the operational requirements as described in subsection (a) of Section 37-15-5, unless excavation is scheduled to commence. In addition, no person shall make repeated requests for remarking, unless the repeated request is required for excavating to continue or due to circumstances not reasonably within the control of the person.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2

Operator Requirements to Respond to Locate Notification (Specific Language)	<p>AL Code § 37-15-6 (a)(1) Each operator served with notice in accordance with Section 37-15-4, 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, demolition, or blasting. If any underground facilities become damaged due to an operator furnishing inaccurate information as to the approximate location of the facilities, through no fault of the operator, then the civil liabilities imposed by this chapter do not apply. (2) In lieu of such marking, the operator may request to be present at the site upon commencement of the excavation, demolition, or blasting. (3) When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice relative to revising the original notice to the "One-Call Notification System" or the operator, all operators thus notified must attempt to contact the excavator within four hours and provide a response relative to any of their known underground facilities, active or abandoned, at the site of the excavation.</p>
Minimum Standards for Locator Qualifications (Yes / No)	<p>No</p>
Minimum Standards for Locator Qualifications (Specific Language)	<p>Not addressed</p>
Law Specifies Marking Standards Other Than Color (Yes / No)	<p>No</p>
Law Specifies Marking Standards Other Than Color (Specific Language)	<p>AL Code § 37-15-6. (b) When marking the approximate location of underground facilities, the operator shall follow the color code designation in accordance with the latest edition of the American Public Works Association Uniform Color Code. (c) The color code designation referenced in this section shall not be used by any operator or person to mark the boundary or location of any excavation or demolition area. If the excavator elects to mark the proposed excavation or demolition site, the boundary or location shall be identified using white as the identifying color or with natural color wood stakes. White flags or white stakes may have a thin stripe, one inch or less of the designated color code, to indicate the excavator's proposed type of facility, if applicable.</p>
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	<p>No</p>
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	<p>Yes</p>
Operator Must Locate Abandoned Facilities (Specific Language)	<p>AL Code § 37-15-6 (a) (3) When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice relative to revising the original notice to the "One-Call Notification System" or the operator, all operators thus notified must attempt to contact the excavator within four hours and provide a response relative to any of their known underground facilities, active or abandoned, at the site of the excavation.</p>
Positive Response Required - Operator Contact Excavator (Yes / No)	<p>Yes</p>

Positive Response Required - Operator Contact Excavator (Specific Language)	Positive response is limited to: Alabama Code Section 37-15-6 (a) (3) When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice relative to revising the original notice to the "One-Call Notification System" or the operator, all operators thus notified must attempt to contact the excavator within four hours and provide a response relative to any of their known underground facilities, active or abandoned, at the site of the excavation.
Positive Response Required - Operator Contact One Call Center (Yes / No)	No
Positive Response Required - Operator Contact One Call Center (Specific Language)	Not addressed
Positive Response - One-Call Automated (Yes / No)	No
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)	AL Code § 37-15-5. (i) All operators who are members of a "One-Call Notification System" shall provide the "One-Call Notification System" with the following information: (1) The notification area data in a format as required by the current database system utilized by the "One-Call Notification System" for the locations in which members have underground facilities or for other reasons wish to receive notifications of proposed excavations, demolitions, or blasting. This information shall be updated at least once a year.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes
Operator Must Update Information On Locations of Buried Facilities (Specific Language)	AL Code § 37-15-5. (k) All members of the "One-Call Notification System" who have changes, additions, or new installations of buried facilities within the boundaries of the State of Alabama shall notify the "One-Call Notification System" of changes in the information required in subdivision (1) of subsection (i) of this section, within 30 days of the completion of such change, addition, or new installation.
New Facilities Must Be Locatable Electronically (Yes / No)	No

New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed.
Design Request (Yes / No)	Yes. (AL Code § 37-15-4.1)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	No
One Call Membership Exemptions (Yes / No)	No
One Call Membership Exemptions (Specific Language)	Not addressed.
One-Call Law Addresses Board Make-Up (Yes / No)	No
One-Call Law Addresses Board Make-Up (Specific Language)	Not addressed.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	No
Separate Body Designated to Advise Enforcement Authority (Specific Language)	Not addressed.
Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	AL Code § 37-15-10 (a): "Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed \$10,000 for each such violation...(d) The amount of such penalties shall be dependent upon the degree of non-compliance, the amount of injury or damage caused, the degree of threat to public safety, the degree of public inconvenience caused as a result of the violation, and the number of past violations. Mitigation of the penalty may be shown by "good faith" efforts of the violator to have complied with the provisions of this chapter."
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	AL Code § 37-15-10 (a): "Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed \$10,000 for each such violation...(d) The amount of such penalties shall be dependent upon the degree of non-compliance, the amount of injury or damage caused, the degree of threat to public safety, the degree of public inconvenience caused as a result of the violation, and the number of past violations. Mitigation of the penalty may be shown by "good faith" efforts of the violator to have complied with the provisions of this chapter."
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	AL Code § 37-15-10 (a): "Any person who violates any provision of this chapter shall be subject to a civil penalty not to exceed \$10,000 for each such violation...(d) The amount of such penalties shall be dependent upon the degree of non-compliance, the amount of injury or damage caused, the degree of threat to public safety, the degree of public inconvenience caused as a result of the violation, and the number of past violations. Mitigation of the penalty may be shown by "good faith" efforts of the violator to have complied with the provisions of this chapter."
Enforcement Authority Identified	District Attorney or Attorney General AL Code § 37-15-10 (b) (b) An action under this section shall be instigated by any person making a complaint in writing, verified by oath, that the person has reason to believe that a violation under this chapter has occurred. (c) Prosecution of violations of this chapter shall be by district attorney or the Attorney General and shall be brought in the circuit court for the county in which the violation, or some part thereof, arose or in the circuit court for the county in which the defendant resides or maintains his or her principal place of business within the state.

Damage Investigation Required by Enforcement Authority (Yes / No)	No
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	No
Mandatory Reporting of Excavation Damage by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting of Excavation Damage to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Alabama Code (AL Code) § 37-15-1 - 37-15-11, Notification of Excavation or Demolition Operations (See "Law" link at www.al811.com)
Date of Last Revision to Statute / Law	Effective September 1, 2015 (Ref: Act 2015-363, § 1, HB62)
Administrative Rules / Regulations (Yes / No)	No
Administrative Rules / Regulations (Name & Link)	None
State One Call Center(s) (Name & Link)	Alabama 811 (http://www.al811.com)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0