

State Damage Prevention Law Summary

State: Indiana

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

Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	<p>Indiana Code (IC) 8-1-26-5. As used in this chapter, "demolish" means an operation in which a structure or mass of material is wrecked, raised, rendered, moved, or removed by means of tools, equipment, or discharge of explosives.</p> <p>IC 8-1-26-6. As used in this chapter, "excavate" means an operation for the movement, placement, or removal of earth, rock, or other materials in or on the ground by use of tools or mechanized equipment or by discharge of explosives, including augering, backfilling, boring, digging, ditching, drilling, driving, grading, jacking, plowing in, pulling in, ripping, scraping, trenching, and tunneling.</p>
Excavator: Definition	IC 8-1-26-11. As used in this chapter, "person" means an individual, a corporation, a partnership, a limited liability company, an association, or other entity organized under the laws of any state. The term includes state, local, and federal agencies. The term does not include the association.
Excavator Notice to One Call Required (Yes / No)	Yes
Excavator Notice Minimum # Working Days Before Digging	2
Excavator Notice (Specific Language)	<p>IC 8-1-26-14. Except as provided in section 19 of this chapter, a person may not excavate real property or demolish a structure that is served or was previously served by an underground facility without first ascertaining in the manner prescribed by sections 16 and 18 of this chapter the location of all underground facilities in the area affected by the proposed excavation or demolition.</p> <p>IC 8-1-26-16. (a) Except as provided in section 19 of this chapter, before commencing an excavation or demolition operation described in section 14 of this chapter, each person responsible for the excavation or demolition shall: (1) serve notice on the association of the person's intent to excavate or demolish; and (2) perform white lining at the site of the excavation or demolition if the person responsible for the excavation or demolition is unable to provide to the association the physical location of the proposed excavation or demolition by one (1) of the following means: (A) A street address. (B) A legal description of the location. (C) A highway location using highway mile markers or cross streets.... (c) A person responsible for demolition must give an operator a reasonable amount of time, as mutually determined by the operator, the person responsible for demolition, and the project owner, to remove or protect the operator's facilities before demolition of the structure is commenced.... (e) The person responsible for the excavation or demolition shall submit a separate locate request along with the notice provided under subsection (d)(3) to the association as follows: (1) Within an incorporated area, for each one thousand five hundred (1,500) linear feet of proposed excavation or demolition. (2) In an unincorporated area, for at least each two thousand six hundred forty (2,640) linear feet of proposed excavation or demolition.</p>
Ticket Life (# of days)	20 (IC 8-1-26-16. (a))
White-Line Required (Yes / No)	Yes (IC 8-1-26-16. (a)(2)) "... if the person responsible for the excavation or demolition is unable to provide to the association the physical location of the proposed excavation or demolition by one (1) of the following means: ..."
Tolerance Zone	24" (IC 8-1-26-2)
Special Digging Requirements Within Tolerance Zone (Specific Language)	<p>IC 8-1-26-20 (a) In addition to the notice required in section 16 of this chapter, a person responsible for an excavation or demolition operation under section 14 of this chapter shall do all of the following: (1) Plan the excavation or demolition to avoid damage to or minimize interference with underground facilities in and near the construction area. (2) Maintain a clearance between an underground facility, as marked by the operator, and the cutting edge or point of mechanized equipment. The clearance must be not less than two (2) feet on either side of the outer limits of the physical plant. However, if the clearance is less than two (2) feet, or if an underground facility is located or contained in or under pavement or another manmade hard surface, exposure of the underground facility may be accomplished only as follows:(A) Only by the use of (i) hand excavation, (ii) air cutting, (iii) vacuum excavation; or (iv) hydro vacuum excavation. (B) Mechanized equipment may not be used within the two (2) feet on either side of the outer limits of the physical plant unless the person responsible for the excavation or demolition does the following: (i) Visually identifies the precise location of the underground facilities or visually confirms that no facility is present within the depth of the excavation. (ii) Takes reasonable precautions to avoid any substantial weakening of the underground facilities' structural or lateral support. (iii) Takes reasonable precautions to avoid penetration or destruction of the underground facilities, including their protective coatings. (iv) Requires an individual other than the equipment operator to visually monitor the excavation activity.</p>
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (IC 8-1-20 (a)(2)(A))

Preserve / Maintain Marks Required (Yes / No)	No
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes (IC 8-1-20 (a)(3)(A))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	Yes (IC 8-1-20 (a)(3)(B))
Special Language Regarding Trenchless Technology (Yes / No)	No
Separate Locate Request Required for Each Excavator (Yes / No)	Yes (IC 8-1-16 (a))
Notify Operator of Damage (Yes / No)	Yes (IC 8-1-21 (a))
Notify One Call Center of Damage (Yes / No)	Yes (IC 8-1-21 (a))
Call 911 if Hazardous Materials Released (Yes / No)	Yes (IC 8-1-21 (b))
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>IC 8-1-26-1 (a) Except as provided by this section, this chapter does not apply to the following: (1) Excavation that is performed: (A) only with a hand tool; (B) on property owned or controlled by the person performing the excavation; and (C) to a depth not greater than twelve (12) inches. (2) Excavation using only animals. (3) Tilling of soil for agricultural purposes, such as plowing, planting, and combining. (4) Surface coal mining and reclamation operations conducted under a permit issued by the natural resources commission under IC 14-34. (5) Railroad right-of-way maintenance or operations. (6) Underground probing to determine the extent of gas migration. (b) This chapter does apply to blasting, setting drainage tile, subsoiling, and other subsurface activities. (c) Sections 16, 19, 20, and 22 of this chapter apply to the construction and installation of railroad signal facilities and drainage facilities at public grade crossings.</p> <p>IC 8-1-26-19 (a) A person responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, property, or loss of service is not required to comply with the notice requirements of section 16 of this chapter. However, that person shall: (1) give, as soon as practicable, oral notice of the emergency excavation or demolition to the association; and (2) request emergency assistance from each operator identified by the association as having underground facilities located in the area of the emergency excavation or demolition in locating and providing immediate protection to the operator's underground facilities. (b) This section applies to an operator making an emergency repair to its own underground facility.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	IC 8-1-26-18 (a). Each operator notified under section 16 of this chapter shall, in two (2) full working days after receiving the notice of intent provided in section 16 of this chapter, supply to the person responsible for the excavation or demolition the following information, using maps when appropriate: (1) The approximate location and description of all the operator's underground facilities that may be damaged as a result of the excavation or demolition. (2) The location and description of all facility markers indicating the approximate location of the underground facilities. (3) Any other information that would assist that person in locating and avoiding damage to the underground facilities, including providing adequate temporary markings indicating the approximate location of the underground facility and locations where permanent facility markers do not exist.
Minimum Standards for Locator Qualifications (Yes / No)	No
Minimum Standards for Locator Qualifications (Specific Language)	Not addressed
Law Specifies Marking Standards Other Than Color (Yes / No)	No (IC 8-1-26-18 (b))

Law Specifies Marking Standards Other Than Color (Specific Language)	Not addressed
Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	No
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes
Operator Must Locate Abandoned Facilities (Specific Language)	<p>IC 8-1-26-15 (a). An operator that has underground facilities located in Indiana must become a member of the association and shall provide the following information to the association: (1) The name of each township and county in which the operator has underground facilities, including those facilities that have been abandoned in place by the operator but not yet physically removed.</p> <p>IC 8-1-26-18 (a). Subject to subsection (i), each operator notified under section 16 of this chapter shall, not later than two (2) full working days after receiving the notice of intent provided in section 16 of this chapter, supply to the person responsible for the excavation or demolition the following information, using maps when appropriate: (1) The approximate location and a description of all the operator's underground facilities that may be damaged as a result of the excavation or demolition.</p>
Positive Response Required - Operator Contact Excavator (Yes / No)	Yes
Positive Response Required - Operator Contact Excavator (Specific Language)	<p>IC 8-1-26-18 (a). Each operator notified under section 16 of this chapter shall, in two (2) full working days after receiving the notice of intent provided in section 16 of this chapter, supply to the person responsible for the excavation or demolition the following information, using maps when appropriate: (1) The approximate location and description of all the operator's underground facilities that may be damaged as a result of the excavation or demolition. (2) The location and description of all facility markers indicating the approximate location of the underground facilities. (3) Any other information that would assist that person in locating and avoiding damage to the underground facilities, including providing adequate temporary markings indicating the approximate location of the underground facility and locations where permanent facility markers do not exist..... (d) Each operator notified under section 16 of this chapter shall, within two (2) full working days of receiving the notice of intent provided in section 16 of this chapter, make a reasonable attempt to provide notification to the person responsible for the excavation or demolition if the operator has no facilities in the location of the proposed excavation or demolition.</p>
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)	<p>IC 8-1-26-15 (a). An operator that has underground facilities located in Indiana must become a member of the association and shall provide the following information to the association: (1) The name of each township and county in which the operator has underground facilities, including those facilities that have been abandoned in place by the operator but not yet physically removed.</p>
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes

Operator Must Update Information On Locations of Buried Facilities (Specific Language)	IC 8-1-26-15 (a). An operator that has underground facilities located in Indiana must become a member of the association and shall provide the following information to the association: (1) The name of each township and county in which the operator has underground facilities, including those facilities that have been abandoned in place by the operator but not yet physically removed. (b) An operator shall report any changes in the information contained in the list recorded under subsection (a) with the association within thirty (30) calendar days of the change. The document reflecting the changes shall be cross-referenced to the original information reported under subsection (a).
New Facilities Must Be Locatable Electronically (Yes / No)	No
New Facilities Must Be Locatable Electronically (Specific Language)	Not addressed.
Design Request (Yes / No)	No
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes (IC 8-1-15 and IC 8-1-17)
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	IC 8-1-26-10. As used in this chapter, "operator" means a person who owns or operates an underground facility, other than an underground facility that: (1) is located on real property that the person owns or occupies; and (2) the person operates for the person's benefits. IC 8-1-26-15. (a) An operator that has underground facilities located in Indiana must become a member of the association and shall provide the following information to the association... IC 8-1-26-17. (a) An operator that has underground facilities located in Indiana must be a member of the Indiana Underground Plant Protection Service or its successor organization....
One-Call Law Addresses Board Make-Up (Yes / No)	Yes
One-Call Law Addresses Board Make-Up (Specific Language)	IC 8-1-26-17 (a)(1). ... The articles of incorporation or the bylaws of the Indiana Underground Plant Protection Service or its successor organization shall do the following: (1) Provide that the board of directors of the Indiana Underground Plant Protection Service or its successor organization is composed of: (A) five (5) members representing electric utilities other than municipal electric utilities, including corporations organized or operating under IC 8-1-13 or corporations organized under IC 23-17, some of whose members are local district corporations (as described in IC 8-1-13-23); (B) five (5) members representing investor owned gas utilities, including pipelines; (C) five (5) members representing telecommunications providers, at least one (1) of whom is a provider of cable television service; (D) five (5) members representing water or sewer utilities other than municipal water or sewer utilities; and (E) five (5) members representing political subdivisions, including municipal utilities, which must include the political subdivision that owns the largest waterworks utility in Indiana that is owned by: (i) a political subdivision; or (ii) a department of public utilities created by IC 8-1-11.1.
Separate Body Designated to Advise Enforcement Authority (Yes / No)	Yes
Separate Body Designated to Advise Enforcement Authority (Specific Language)	IC 8-1-26-1.5 As used in this chapter, "advisory committee" refers to the underground plant protection advisory committee established by section 23 of this chapter. IC 8-1-26-23 (a) The underground plant protection advisory committee is established. (b) The advisory committee consists of the following seven (7) members appointed by the governor: (1) One (1) member representing the association. (2) One (1) member representing investor owned gas utilities. (3) One (1) member representing operators of pipeline facilities or pipelines. (4) One (1) member representing municipal gas utilities. (5) Two (2) members representing commercial excavators. (6) One (1) member representing providers of facility locate marking services.... (h) The advisory committee shall act in an advisory capacity to the commission concerning the implementation and enforcement of this chapter. In this capacity, and subject to subsections (i) and (j), the advisory committee may recommend the following penalties with respect to persons that the pipeline safety division has found to violate this chapter: (1) Civil penalties consistent with this chapter. (2) Participation in education or training programs developed and implemented by the commission. (3) Warning letters. (4) Development of a plan to avoid future violations of this chapter. ... (i) The advisory board may consider the following when making a recommendation under subsection (h): (1) Whether the person found to be in violation of this chapter is a first time or repeat violator. (2) Whether the person found to be in violation of this chapter is: (A) a homeowner or tenant performing excavation or demolition: (i) on the homeowner's or tenant's residential property; and (ii) outside an operator's easement or right of way; or (B) a business entity. (3) The severity of the violation. (j) If the advisory committee determines that: (1) the person found to be in violation of this chapter is a first time violator described in subsection (i)(2)(A); and (2) the violation did not result in physical harm to a person; the advisory committee may not recommend a penalty described in subsection (h)(1) or (h)(4).

Penalties / Fines Excavators (Yes / No)	Yes
Penalties / Fines Excavators (Specific Language)	<p>IC 8-1-26-16 (h). A person that: (1) causes damage to a pipeline facility located in an area of excavation or demolition; (2) is required to provide notice under this section for the excavation or demolition; and (3) fails to provide the notice; may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000). (i) A person that: (1) causes damage to a pipeline facility located in an area of excavation or demolition; (2) is required to perform white lining under subsection (a)(2); and (3) fails to perform white lining before an operator of a pipeline facility arrives at the site of the proposed excavation or demolition to mark the operator's pipeline facilities; may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000).</p> <p>IC 8-1-26-19 (a). A person responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, property, or loss of service is not required to comply with the notice requirements of section 16 of this chapter. However, ... (c) A person that knowingly provides false notice of an emergency excavation or demolition to the association under subsection (a) may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed one thousand dollars (\$1,000).</p> <p>IC 8-1-26-20 (a). In addition to the notice required in section 16 of this chapter, a person responsible for an excavation or demolition operation under section 14 of this chapter shall do all of the following ... (b) A person who: (1) violates subsection (a); and (2) causes damage to a pipeline facility in the area of the excavation or demolition; may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000).</p>
Penalties / Fines Operators (Yes / No)	Yes
Penalties / Fines Operators (Specific Language)	<p>IC 8-1-26-15 (a). An operator that has underground facilities located in Indiana must become a member of the association and shall provide the following information to the association ... (d) A person that is required, but fails, to maintain membership in the association ... may be subject to a civil penalty in an amount ... not to exceed one hundred dollars (\$100). Each day that a person that is required, but fails, to maintain membership in the association constitutes a separate violation for purposes of imposing a fine under this subsection.</p> <p>IC 8-1-26-18 (a). Each operator notified under section 16 of this chapter shall ... supply to the person responsible for the excavation or demolition the following information ... (f) This subsection applies if all of the following occur: (1) An operator of a pipeline facility is required to supply information, including facility locate markings, under subsection (a) to a person responsible for an excavation or demolition. (2) The operator of the pipeline facility fails to supply the information described in subdivision (1) or provides incorrect facility locate markings. (3) The operator's pipeline facility is damaged during the excavation or demolition for which the operator was required to supply the information described in subdivision (1). The operator of the pipeline facility may be subject to a civil penalty ... not to exceed one thousand dollars (\$1,000). (g) Subsection (f) does not apply to an operator that: (1) is repairing its own underground facilities; or (2) fails to supply required information or provide facility locate markings due to factors beyond the control of the operator.</p> <p>IC 8-1-26-19 (a). A person responsible for emergency excavation or demolition ... is not required to comply with the notice requirements of section 16 of this chapter. However, that person shall: (1) give, as soon as practicable, oral notice of the emergency excavation or demolition to the association; and (2) request emergency assistance from each operator identified by the association as having underground facilities located in the area ... in locating and providing immediate protection to the operator's underground facilities... (b) This section applies to an operator making an emergency repair to its own underground facility. (c) A person that knowingly provides false notice of an emergency excavation or demolition to the association under subsection (a) may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed one thousand dollars (\$1,000).</p>
Penalties / Fines Other (Yes / No)	Yes
Penalties / Fines Other (Specific Language)	IC 8-1-26-18 (h) A person that knowingly moves, removes, damages, or otherwise alters a facility locate marking supplied under this section may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000). This subsection does not apply to a person that moves, removes, damages, or otherwise alters a facility locate marking as part of the excavation or demolition for which the facility locate markings were supplied.
Enforcement Authority Identified	Indiana Utility Regulatory Commission (IC 8-1-26-25)
Damage Investigation Required by Enforcement Authority (Yes / No)	Yes (Indiana Administrative Code (IAC), Title 170, Indiana Utility Regulatory Commission (IRUC), Article 5 - Gas Utilities, Rule 5. Damage to Underground Facilities, 170 IAC 5-5-1 (b) and 170 IAC 5-5-3.)
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	No

Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	No
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	Yes (IAC, Title 170, IURC, Article 5 - Gas Utilities, Rule 5. Damage to Underground Facilities, 170 IAC 5-5-2)
Law and Regulation	
Statute / Law (Name & Link)	Indiana Code (IC), §§ 8-1-26-1 to 8-1-26-26, Damage to Underground Facilities (http://iga.in.gov/legislative/laws/2016/ic/titles/008/articles/001/) Also see One-Call Center Website for Information on State Law.
Date of Last Revision to Statute / Law	2014
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	Title 170 Indiana Utility Regulatory Commission, Article 5 - Gas Utilities, Rule 5. Damage to Underground Facilities; (http://www.in.gov/legislative/iac/iac_title?iact=170)
State One Call Center(s) (Name & Link)	Indiana811 (http://indiana811.org/)
Miscellaneous Notes	
Notes	0
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0