

State Damage Prevention Law Summary
State: Georgia
(Link to State law provided in Law & Regulation section below)
Summary Date: 8/7/2017

Excavator Requirements	
Excavation: Definition	Official Code of Georgia Annotated (O.C.G.A.) § 25-9-3 (12) "Excavating" means any operation using mechanized equipment or explosives to move earth, rock, or other material below existing grade. This includes but is not limited to augering, blasting, boring, digging, ditching, dredging, drilling, driving-in, grading, plowing-in, ripping, scraping, trenching, and tunneling. "Excavating" shall not include pavement milling or pavement repair that does not exceed the depth of the existing pavement or 12 inches, whichever is less. The term shall not include routine road or railroad maintenance activities carried out by road maintenance or railroad employees or contractors, provided that such activities occur entirely within the right of way of a public road, street, railroad, or highway of the state; are carried out with reasonable care so as to protect any utility facilities and sewer laterals placed in the right of way by permit; are carried out within the limits of any original excavation on the traveled way, shoulders, or drainage ditches of a public road, street, railroad, or highway, and do not exceed 18 inches in depth below the grade existing prior to such activities; and, if involving the replacement of existing guard rails and sign posts, replace such guard rails and sign posts in their previous locations and at their previous depth. "Excavating" shall not include farming activities.
Excavator: Definition	O.C.G.A. § 25-9-3 (13) "Excavator" means any person engaged in excavating or blasting as defined in this Code section.
Excavator Notice to One Call Required (Yes / No)	Yes (O.C.G.A. § 25-9-6 (a))
Excavator Notice Minimum # Working Days Before Digging	2 (O.C.G.A. § 25-9-6 (a))
Excavator Notice (Specific Language)	O.C.G.A. § 25-9-6 (a) No person shall commence, perform, or engage in blasting or in excavating with mechanized excavating equipment on any tract or parcel of land in any county in this state unless and until the person planning the blasting or excavating has given 48 hours' notice by submitting a locate request to the UPC, beginning the next business day after such notice is provided, excluding hours during days other than business days. Any person performing excavation is responsible for being aware of all information timely entered into the PRIS prior to the commencement of excavation. If, prior to the expiration of the 48 hour waiting period, all identified facility owners or operators have responded to the locate request, and if all have indicated that their facilities either are not in conflict or have been marked, then the person planning to perform excavation or blasting shall be authorized to commence work, subject to the other requirements of this Code section, without waiting the full 48 hours. The 48 hours' notice shall not be required for excavating where minimally intrusive excavation methods are used exclusively. Any locate request received by the UPC after business hours shall be deemed to have been received by the UPC the next business day.
Ticket Life (# of days)	30 (O.C.G.A. § 25-9-6 (c))
White-Line Required (Yes / No)	Yes, (O.C.G.A. § 25-9-6 (b))
Tolerance Zone	18" (O.C.G.A. § 25-9-3 (34))
Special Digging Requirements Within Tolerance Zone (Specific Language)	O.C.G.A. § 25-9-8 (b) When excavating or blasting is to take place within the tolerance zone, the excavator shall exercise reasonable care for the protection of the utility facility or sewer lateral, including permanent markers and paint placed to designate utility facilities. This protection shall include, but not be limited to, at least one of the following based on geographical and climate conditions: hand digging, pot holing, soft digging, vacuum excavation methods, pneumatic hand tools, or other technical methods that may be developed. Other mechanical methods may be used with the approval of the facility owner or operator.
Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)	Yes (O.C.G.A. § 25-9-8 (b))
Preserve / Maintain Marks Required (Yes / No)	Yes (O.C.G.A. § 25-9-6 (g))
Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)	Yes, (O.C.G.A. § 25-9-7 (e))
Notify One-Call if Marks Moved or No Longer Visible (Yes / No)	No

Special Language Regarding Trenchless Technology (Yes / No)	Yes (O.C.G.A. § 25-9-8 (d))
Separate Locate Request Required for Each Excavator (Yes / No)	No (O.C.G.A. § 25-9-6 (a))
Notify Operator of Damage (Yes / No)	Yes (O.C.G.A. § 25-9-8 (e))
Notify One Call Center of Damage (Yes / No)	Yes (O.C.G.A. § 25-9-8 (e))
Call 911 if Hazardous Materials Released (Yes / No)	No
Notice Exemptions (Yes / No)	Yes
Notice Exemptions (Specific Language)	<p>O.C.G.A. § 25-9-3 (12) ..."Excavating" shall not include pavement milling or pavement repair that does not exceed the depth of the existing pavement or 12 inches, whichever is less. The term shall not include routine road or railroad maintenance activities carried out by road maintenance or railroad employees or contractors, provided that such activities occur entirely within the right of way of a public road, street, railroad, or highway of the state; are carried out with reasonable care so as to protect any utility facilities and sewer laterals placed in the right of way by permit; are carried out within the limits of any original excavation on the traveled way, shoulders, or drainage ditches of a public road, street, railroad, or highway, and do not exceed 18 inches in depth below the grade existing prior to such activities; and, if involving the replacement of existing guard rails and sign posts, replace such guard rails and sign posts in their previous locations and at their previous depth. "Excavating" shall not include farming activities.</p> <p>§ 25-9-6 (a) ...The 48 hours' notice shall not be required for excavating where minimally intrusive excavation methods are used exclusively.</p> <p>§ 25-9-12. The notice requirements provided by Code Section 25-9-6 shall not be required of persons performing emergency excavations or excavation in extraordinary circumstances; provided, however, that any person who engages in an emergency excavation or excavation in extraordinary circumstances shall take all reasonable precautions to avoid or minimize damage to any existing utility facilities and sewer laterals; provided, further, that any person who engages in an emergency excavation or excavation in extraordinary circumstances shall give notice of the emergency excavation as soon as practical to the UPC.</p>
Operator Response	
Minimum # Days for Operator to Respond After Receiving Notice (Generally)	2
Operator Requirements to Respond to Locate Notification (Specific Language)	O.C.G.A. § 25-9-7 (a) (1) Within 48 hours beginning the next business day following receipt by the UPC of the locate request filed in accordance with Code Section 25-9-6, excluding hours during days other than business days, each facility owner or operator shall determine whether or not utility facilities are located on the tract or parcel of land upon which the excavating or blasting is to occur. If utility facilities are determined to be present, the facility owner or operator shall designate, through stakes, flags, permanent markers, or other marks on the surface of the tract or parcel of land, the location of utility facilities. This subsection shall not apply to large projects.
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)	Yes
Law Specifies Marking Standards Other Than Color (Specific Language)	<p>O.C.G.A. § 25-9-7 (a) (2) Designation of the location of utility facilities through staking, flagging, permanent markers, or other marking shall be in accordance with the American Public Works Association (APWA) color code in place at the time the location of the utility facility is designated. Additional marking requirements beyond color code, if any, shall be prescribed by rules and regulations promulgated by the Public Service Commission.</p> <p>GA Commission Rules & Regulations (R&R) 515-9-4-.14 Georgia Underground Marking Standards, specifies additional standards for facility marking. (http://rules.sos.state.ga.us/GAC/515-9-4)</p>

Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)	Yes (O.C.G.A. § 25-9-7 (b))
Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)	Yes
Operator Must Locate Abandoned Facilities (Specific Language)	O.C.G.A. § 25-9-7 (h) Facility owners or operators shall either maintain recorded information concerning the location and other characteristics of abandoned utility facilities, maintain such abandoned utility facilities in a locatable manner, or remove such abandoned utility facilities. Facility owners or operators shall provide information on abandoned utility facilities, when possible, in response to a locate request or design locate request. When the presence of an abandoned facility within an excavation site is known, the facility owner or operator should attempt to designate the abandoned facility or provide information to the excavator regarding such facilities. When located or exposed, all abandoned utility facilities and sewer laterals shall be treated as live utility facilities and sewer laterals.
Positive Response Required - Operator Contact Excavator (Yes / No)	No
Positive Response Required - Operator Contact Excavator (Specific Language)	Not addressed
Positive Response Required - Operator Contact One Call Center (Yes / No)	Yes
Positive Response Required - Operator Contact One Call Center (Specific Language)	O.C.G.A. § 25-9-7 (c) Each facility owner or operator, either upon determining that no utility facility or sewer lateral is present on the tract or parcel of land or upon completion of the designation of the location of any utility facilities or sewer laterals on the tract or parcel of land as required by subsection (a) or (b) of this Code section, shall provide this information to the UPC in accordance with procedures developed by the UPC, which may include the use of the PRIS. In no event shall such notice be provided later than midnight of the second business day following receipt by the UPC of actual notice filed in accordance with Code Section 25-9-6. (d) In the event the facility owner or operator is unable to designate the location of the utility facilities or sewer laterals due to extraordinary circumstances, the facility owner or operator shall notify the UPC and provide an estimated completion date in accordance with procedures developed by the UPC, which may include the use of the PRIS.
Positive Response - One-Call Automated (Yes / No)	Yes (O.C.G.A. § 25-9-3 (27))
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)	O.C.G.A. § 25-9-3. (29) "Service area" means a contiguous area or territory which encompasses the distribution system or network of utility facilities by means of which a facility owner or operator provides utility service. ... (37) "Utilities protection center" or "UPC" means the corporation or other organization formed by facility owners or operators to provide a joint notification service for the purpose of receiving advance notification from persons planning to blast or excavate and distributing such notifications to its affected facility owner or operator members. § 25-9-5 (a) Except as otherwise provided by subsection (b) of this Code section, all facility owners or operators operating or maintaining utility facilities within the state shall participate as members in and cooperate with the UPC...(c) The UPC shall maintain a list ... from or through which information respecting the location of utility facilities of its participating facility owners or operators may be obtained during business hours on business days. Per UPC procedures, member operators should expect to "Be prepared to create a Service Area Map that outlines where all of your utilities are located This will allow us to keep record of the areas in which you operate so we can accurately disseminate locate requests.
Operator Must Update Information On Locations of Buried Facilities (Yes / No)	Yes

Operator Must Update Information On Locations of Buried Facilities (Specific Language)	<p>O.C.G.A. § 25-9-3. (29) "Service area" means a contiguous area or territory which encompasses the distribution system or network of utility facilities by means of which a facility owner or operator provides utility service. ... (37) "Utilities protection center" or "UPC" means the corporation or other organization formed by facility owners or operators to provide a joint notification service for the purpose of receiving advance notification from persons planning to blast or excavate and distributing such notifications to its affected facility owner or operator members.</p> <p>§ 25-9-5 (a) Except as otherwise provided by subsection (b) of this Code section, all facility owners or operators operating or maintaining utility facilities within the state shall participate as members in and cooperate with the UPC....(c) The UPC shall maintain a list ... from or through which information respecting the location of utility facilities of its participating facility owners or operators may be obtained during business hours on business days.</p> <p>Per UPC procedures, member operators should expect to "Be prepared to create a Service Area Map that outlines where all of your utilities are located This will allow us to keep record of the areas in which you operate so we can accurately disseminate locate requests.</p>
New Facilities Must Be Locatable Electronically (Yes / No)	Yes
New Facilities Must Be Locatable Electronically (Specific Language)	<p>O.C.G.A. § 25-9-7 (g) All utility facilities installed by facility owners or operators on or after January 1, 2001, shall be installed in a manner which will make them locatable using a generally accepted electronic locating method. All sewer laterals installed on or after January 1, 2006, shall be installed in a manner which will make them locatable by facility owners or operators using a generally accepted electronic locating method. In the event that an unlocatable utility facility or unlocatable sewer lateral becomes exposed when the facility owner or operator is present or in the case of sewer laterals when the sewer utility owner or operator is present on or after January 1, 2006, such utility facility or sewer lateral shall be made locatable through the use of a permanent marker or an updating of permanent records.</p>
Design Request (Yes / No)	Yes (O.C.G.A. § 25-9-4)
One Call, Enforcement, and Reporting	
Mandatory One Call Membership (Yes / No)	Yes
One Call Membership Exemptions (Yes / No)	Yes
One Call Membership Exemptions (Specific Language)	<p>O.C.G.A. § 25-9-5 (a) Except as otherwise provided by subsection (b) of this Code section, all facility owners or operators operating or maintaining utility facilities within the state shall participate as members in and cooperate with the UPC. (b) Persons who install water and sewer facilities or who own such facilities until those facilities are accepted by a local governing authority or other entity are not required to participate as members of the UPC and shall not be considered facility owners or operators. All such persons shall install and maintain permanent markers, as defined in Code Section 25-9-3, identifying all water and sewer facilities at the time of the facility installation. Notwithstanding the above, all owners or operators of water and sewer facilities that provide service from such facilities are considered facility owners or operators and shall be members of the UPC.</p>
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)	Yes

<p>Separate Body Designated to Advise Enforcement Authority (Specific Language)</p>	<p>O.C.G.A. § 25-9-3 (5) Commission means the Public Service Commission. § 25-9-13 (g) The commission shall enforce the provisions of this chapter. The commission may promulgate any rules and regulations necessary to implement the commission's authority to enforce this chapter. (h) (1) The Governor shall appoint an advisory committee consisting of persons who are employees or officials of or who represent the interests of: (A) One member to represent the Department of Transportation; (B) One member to represent water systems or water and sewer systems owned or operated by local governing authorities; (C) One member to represent the utilities protection center; (D) One member to represent water systems or water and sewer systems owned or operated by counties; (E) One member to represent water systems or water and sewer systems owned or operated by municipalities; (F) One member to represent the nonmunicipal electric industry; (G) Five members to represent excavators to include the following: (i) One licensed utility contractor; (ii) One licensed general contractor; (iii) One licensed plumber; (iv) One landscape contractor; and (v) One highway contractor; (H) One member to represent locators; (I) One member to represent the nonmunicipal telecommunications industry; (J) One member to represent the nonmunicipal natural gas industry; (K) One member to represent municipal gas, electric, or telecommunications providers; and (L) The commission chairperson or such chairperson's designee....(3) The advisory committee shall assist the commission in the enforcement of this chapter, make recommendations to the commission regarding rules and regulations, and perform duties to be assigned by the commission including, but not limited to, the review of reported violations of this chapter and the preparation of recommendations to the commission as to the appropriate penalties to impose on persons violating the provisions of this chapter.</p>
<p>Penalties / Fines Excavators (Yes / No)</p>	<p>Yes</p>
<p>Penalties / Fines Excavators (Specific Language)</p>	<p>O.C.G.A. § 25-9-3 (5) Commission means the Public Service Commission. § 25-9-13 (i) (1) Commission enforcement of this chapter shall follow the procedures described in this subsection....(2) (A) The commission is not authorized to impose civil penalties on any local governing authority except as provided in this paragraph....(B)...the advisory committee shall recommend to the commission for adoption a tiered penalty structure for local governing authorities....The penalty structure shall establish for each tier the maximum penalty per violation and per 12 month period at a level to induce compliance with this chapter. Such maximum penalty shall not exceed \$5,000.00 per violation or \$50,000.00 per 12 month period for the highest tier. (3) If commission investigators find that a probable violation has occurred, they ... shall make recommended findings or offers of settlement to the respondent.... (6) ... The commission is not authorized to impose a civil penalty greater than the civil penalty recommended by the advisory committee or to impose any civil penalty if the advisory committee does not recommend a civil penalty. (7) The commission may, by judgment entered after a hearing on notice duly served on any person not less than 30 days before the date of the hearing, impose a civil penalty not exceeding \$10,000.00 for each violation, if it is proved that the person violated any of the provisions of this chapter as a result of a failure to exercise additional care in accordance with subsection (d) of Code Section 25-9-8 or reasonable care in accordance with other provisions of this chapter. Any such recommendations relating to a local governing authority shall comply with the provisions of paragraph (2) of this subsection....</p>
<p>Penalties / Fines Operators (Yes / No)</p>	<p>Yes</p>
<p>Penalties / Fines Operators (Specific Language)</p>	<p>O.C.G.A. § 25-9-3 (5) Commission means the Public Service Commission. § 25-9-13 (i) (1) Commission enforcement of this chapter shall follow the procedures described in this subsection....(2) (A) The commission is not authorized to impose civil penalties on any local governing authority except as provided in this paragraph....(B)...the advisory committee shall recommend to the commission for adoption a tiered penalty structure for local governing authorities....The penalty structure shall establish for each tier the maximum penalty per violation and per 12 month period at a level to induce compliance with this chapter. Such maximum penalty shall not exceed \$5,000.00 per violation or \$50,000.00 per 12 month period for the highest tier. (3) If commission investigators find that a probable violation has occurred, they ... shall make recommended findings or offers of settlement to the respondent.... (6) ... The commission is not authorized to impose a civil penalty greater than the civil penalty recommended by the advisory committee or to impose any civil penalty if the advisory committee does not recommend a civil penalty. (7) The commission may, by judgment entered after a hearing on notice duly served on any person not less than 30 days before the date of the hearing, impose a civil penalty not exceeding \$10,000.00 for each violation, if it is proved that the person violated any of the provisions of this chapter as a result of a failure to exercise additional care in accordance with subsection (d) of Code Section 25-9-8 or reasonable care in accordance with other provisions of this chapter. Any such recommendations relating to a local governing authority shall comply with the provisions of paragraph (2) of this subsection....</p>
<p>Penalties / Fines Other (Yes / No)</p>	<p>Yes</p>

Penalties / Fines Other (Specific Language)	O.C.G.A. § 25-9-3 (5) Commission means the Public Service Commission. § 25-9-13 (i) (1) Commission enforcement of this chapter shall follow the procedures described in this subsection....(2) (A) The commission is not authorized to impose civil penalties on any local governing authority except as provided in this paragraph....(B)...the advisory committee shall recommend to the commission for adoption a tiered penalty structure for local governing authorities....The penalty structure shall establish for each tier the maximum penalty per violation and per 12 month period at a level to induce compliance with this chapter. Such maximum penalty shall not exceed \$5,000.00 per violation or \$50,000.00 per 12 month period for the highest tier. (3) If commission investigators find that a probable violation has occurred, they ... shall make recommended findings or offers of settlement to the respondent.... (6) ... The commission is not authorized to impose a civil penalty greater than the civil penalty recommended by the advisory committee or to impose any civil penalty if the advisory committee does not recommend a civil penalty. (7) The commission may, by judgment entered after a hearing on notice duly served on any person not less than 30 days before the date of the hearing, impose a civil penalty not exceeding \$10,000.00 for each violation, if it is proved that the person violated any of the provisions of this chapter as a result of a failure to exercise additional care in accordance with subsection (d) of Code Section 25-9-8 or reasonable care in accordance with other provisions of this chapter. Any such recommendations relating to a local governing authority shall comply with the provisions of paragraph (2) of this subsection....
Enforcement Authority Identified	Georgia Public Service Commission
Damage Investigation Required by Enforcement Authority (Yes / No)	Yes GA Commission R&R 515-9-4-.07 Commission Staff Investigation of Probable Violation. (http://rules.sos.state.ga.us/GAC/515-9-4)
Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)	Yes GA Commission R&R 515-9-4-.05 (4) Notification of Probable Violations of the Act(http://rules.sos.state.ga.us/GAC/515-9-4)
Mandatory Reporting by Excavators to State Entity or Department (Yes / No)	Yes (O.C.G.A. § 25-9-8 (e))
Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)	No
Law and Regulation	
Statute / Law (Name & Link)	Official Code of Georgia Annotated, Title 25, Chapter 9, §§ 25-9-1 to -13, Georgia Utility Facility Protection Act (http://www.lexisnexis.com/hottopics/gacode/default.asp) Also see One-Call Center Website for Information on State Law .
Date of Last Revision to Statute / Law	July 1, 2016
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	See Notes. Georgia has rules and regulations affecting excavation damage prevention particularly as it relates to natural gas facilities. (http://rules.sos.state.ga.us/GAC/515-9)
State One Call Center(s) (Name & Link)	Georgia 811 (http://www.georgia811.com/)
Miscellaneous Notes	
Notes	Georgia Rules and Regulations:Chapter 515-9. SAFE INSTALLATION AND OPERATION OF NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEMS * Subject 515-9-1. SAFE INSTALLATION AND OPERATION OF NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEMS * Subject 515-9-2. SAFETY STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES * Subject 515-9-3. ENFORCEMENT PROCEDURES GOVERNING GAS PIPELINE SAFETY * Subject 515-9-4. ENFORCEMENT PROCEDURES UNDER THE * GEORGIA UTILITY FACILITY PROTECTION ACT * Subject 515-9-5. PROCEDURES REQUIRED UNDER THE GEORGIA UTILITY FACILITY PROTECTION ACT * Subject 515-9-6. COMMISSION RECOGNIZED BEST PRACTICES * Subject 515-9-7. GAS SAFETY IN GEORGIA COUNTIES * Subject 515-9-8. NATURAL GAS PIPELINE SAFETY AND PUBLIC AWARENESS PROGRAMS

State Damage Prevention / One-
Call Law Recently Revised With
Future Implementation Dates

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