

# SENATE BILL No. 196

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-26.

**Synopsis:** Underground utility facilities. Requires a person giving notice of a planned excavation or demolition to the operator of an underground utility facility to provide certain information to locate the site of the excavation or demolition. Requires all operators of underground utility facilities in Indiana to join an association that provides mutual receipt of notice of planned excavation or demolition to operators and requires the association to provide the notice. Requires the color coding for a facility locate marking for a survey to be pink.

**Effective:** July 1, 1998.

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## Lubbers

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January 6, 1998, read first time and referred to Committee on Commerce and Consumer Affairs.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 196

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A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-1-26-16, AS AMENDED BY P.L.54-1994,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 16. (a) Except as provided in section 19 of this  
4 chapter, before commencing an excavation or demolition operation  
5 described in section 14 of this chapter each person responsible for the  
6 excavation or demolition must serve written or telephonic notice to  
7 excavate or demolish. The notice must be received at least two (2) full  
8 working days but not more than twenty (20) calendar days before the  
9 commencement of the work. However, a person responsible for  
10 excavation or demolition may commence work before the elapse of two  
11 (2) full working days if all affected operators have notified the person  
12 that the location of all the affected operators' facilities have been  
13 marked or that the affected operators have no facilities in the location  
14 of the proposed excavation or demolition. The notice must be served  
15 on each operator, or each operator's association, who has recorded a list  
16 required by section 15 of this chapter indicating that the operator has  
17 underground facilities located in the proposed area of excavation or

1998

IN 196—LS 6708/DI 75+



1 demolition. A person responsible for demolition must give an operator  
 2 a reasonable amount of time, as mutually determined by the operator,  
 3 the person responsible for demolition, and the project owner, to remove  
 4 or protect the operator's facilities before demolition of the structure is  
 5 commenced.

6 (b) The written or telephonic notice required by subsection (a) must  
 7 contain the following information:

8 (1) The name, address, and telephone number of the person  
 9 serving the notice, and, if different, the person responsible for the  
 10 excavation or demolition.

11 (2) The starting date, anticipated duration, and type of excavation  
 12 or demolition operation to be conducted.

13 (3) The location of the proposed excavation or demolition,  
 14 **including the following information:**

15 (A) **The street address.**

16 (B) **The nearest cross street.**

17 (C) **The city or town.**

18 (D) **The township.**

19 (E) **The county.**

20 (4) Whether or not explosives or blasting are to be used.

21 (5) The approximate depth of excavation.

22 (c) If the notice required by this section is by telephone, the operator  
 23 or association shall maintain an adequate record of the notice for three  
 24 (3) years to document compliance with this chapter. A copy of the  
 25 record shall be furnished to the person giving notice to excavate or  
 26 demolish upon written request.

27 SECTION 2. IC 8-1-26-17 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 17. (a) **All operators in**  
 29 **Indiana**, in any combination or group, **may form shall join** and operate  
 30 **as members** an association in Indiana to record for the association's  
 31 members the information required by section 15 of this chapter and to  
 32 provide for mutual receipt of notice of excavation or demolition  
 33 operations under section 16 of this chapter. An association **may shall**  
 34 provide the service on behalf of operators having underground facilities  
 35 in Indiana and shall record with the county recorder of the county in  
 36 which those facilities are located the following information:

37 (1) The telephone number and address of the association.

38 (2) A description of the geographical area served by the  
 39 association.

40 (3) A list of the names and addresses of each operator receiving  
 41 the service from the association.

42 (b) An association formed under this section must have the



1 capability to serve any operator located in Indiana. Associations that  
2 qualify under this section include, without limitation, the "One Call"  
3 system that is managed by a group of operators in Indiana.

4 SECTION 3. IC 8-1-26-18 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 18. (a) Each operator  
6 or association notified under section 16 of this chapter shall, in two (2)  
7 full working days of receiving the notice of intent provided in section  
8 16 of this chapter (unless a shorter period is provided by agreement  
9 between the person responsible for the excavation or demolition and  
10 the operator), supply to the person responsible for the excavation or  
11 demolition the following information, using maps when appropriate:

12 (1) The approximate location and description of all the operator's  
13 underground facilities that may be damaged as a result of the  
14 excavation or demolition.

15 (2) The location and description of all facility markers indicating  
16 the approximate location of the underground facilities.

17 (3) Any other information that would assist that person in locating  
18 and avoiding damage to the underground facilities, including  
19 providing adequate temporary markings indicating the  
20 approximate location of the underground facility and locations  
21 where permanent facility markers do not exist.

22 (b) Facility locate markings must consist of paint, flags, or stakes or  
23 any combination that mark the approximate location of the  
24 underground facilities.

25 (c) Color coding of facility locate markings indicating the type of  
26 underground facility must conform to the following color coding:

Facility and Type of Product	Specific Group Identifying Color
(1) Electric power distribution and transmission . . . . .	Safety red
(2) Municipal electric systems . . . . .	Safety red
(3) Gas distribution and transmission . . . . .	High visibility safety yellow
(4) Oil distribution and transmission . . . . .	High visibility safety yellow
(5) Dangerous materials, product lines, steam lines . . . . .	High visibility safety yellow
(6) Telephone and telegraph systems . . . . .	Safety alert



- 1 orange
- 2 (7) Cable television ..... Safety alert
- 3 orange
- 4 (8) Police and fire
- 5 communications ..... Safety alert
- 6 orange
- 7 (9) Water systems ..... Safety precaution
- 8 blue
- 9 (10) Sewer systems ..... Safety green
- 10 (11) Proposed excavation ..... White
- 11 (12) **Survey** ..... **Pink**
- 12 (d) Each operator or association notified under section 16 of this
- 13 chapter shall, within two (2) full working days of receiving the notice
- 14 of intent provided in section 16 of this chapter, provide notification to
- 15 the person responsible for the excavation or demolition if the operator
- 16 has no facilities in the location of the proposed excavation or
- 17 demolition.

