



To: Mark Bridgers, Continuum Capital, and Members of the Infrastructure Protection Coalition

Fr: Meghan Wade, Georgia 811

Re: 811 Emergency Reports, Georgia State Specific Report

12.07.2021

Below I have taken the recommendations from the Georgia state specific report and responded. I look forward to seeing the updated report.

Recommendation Summary

Overall, Georgia achieves less than adequate performance as measured by CGA's DIRT Report, Continuum, and stakeholders. There are weaknesses or gaps in the Georgia dig law that are directly related to its low performance. Opportunities for further improvement include the following:

1. **Mandatory Damage Reporting:** Refine the dig law to require reporting of all damages (not necessarily investigation into all damages) to all underground utility types to support more effective data collection, process improvement, damage adjudication, and enforcement.

From GUFPA:

- **§ 25-9-3. Definitions** (7) "Damage" means any impact or exposure that results in the need to repair a utility facility or sewer lateral due to the weakening or the partial or complete destruction of the facility or sewer lateral including, but not limited to, the protective coating, lateral support, cathodic protection, or the housing for the line, device, sewer lateral, or facility.
- **§ 25-9-8. Treatment of gas pipes and other underground utility facilities by blasters and excavators** (e) Any person engaged in blasting or in excavating with mechanized excavating equipment who strikes, damages, injures, or loosens any utility facility or sewer lateral, regardless of whether the utility facility or sewer lateral is marked, **shall immediately cease such blasting or excavating and notify the UPC and the appropriate facility owner or operator**, if known. Upon receiving notice from the excavator or the UPC, the facility owner or operator shall send personnel to the location as soon as possible to effect temporary or permanent repair of the damage. Until such time as the damage has been repaired, no person shall engage in excavating or blasting activities that may cause further damage to the utility facility or sewer lateral except as provided in Code Section 25-9-12



2. **Third-Party Enforcement Board:** Develop or enhance 3rd party investigation and enforcement board, with a balanced number of representatives from each stakeholder group, imbued with both responsibility and authority to manage the entire damage adjudication process

From GUFPA:

- **§ 25-9-13. Penalties for violations of chapter; bonds; enforcement; advisory committee; dispose of settlement recommendations** (h) (1) The Governor shall appoint an advisory committee consisting of persons who are employees or officials of or who represent the interests of:
 - One member to represent the Department of Transportation;
 - One member to represent water systems or water and sewer systems owned or operated by local governing authorities;
 - One member to represent the utilities protection center;
 - One member to represent water systems or water and sewer systems owned or operated by counties;
 - One member to represent water systems or water and sewer systems owned or operated by municipalities;
 - One member to represent the nonmunicipal electric industry;
 - Five members to represent excavators to include the following:
 - One licensed utility contractor;
 - One licensed general contractor;
 - One licensed plumber;
 - One landscape contractor; and
 - One highway contractor;
 - One member to represent locators;
 - One member to represent the nonmunicipal telecommunications industry;
 - One member to represent the nonmunicipal natural gas industry;
 - One member to represent municipal gas, electric, or telecommunications providers; and



- The commission chairperson or such chairperson’s designee.

3. **Effective Metrics:** Identify, develop, collect, and track metrics that effectively support trending and continuous improvement of the state damage prevention performance. Mandatory reporting is necessary to accomplish this effort. Develop and track metrics that support behavioral change in addition to metrics designed to track violations of the law.

a. **See recommendation number 1, data is sent to the PSC**

4. **Positive Response Requirement:** A web-based electronic positive response requirement by all asset owners/locators through the 811 system. Ticket holders can choose how to receive a positive response from this electronic system.

§ 25-9-3. Definitions (27) “Positive response information system” or “PRIS” means the automated information system operated and maintained by the utilities protection center at its location that allows excavators, locators, facility owners or operators, and other affected parties to determine the status of a locate request or design locate request.

§ 25-9-6. Prerequisites to blasting or excavating; marking of sites

(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.

§ 25-9-7. Determining whether utility facilities are present; information to UPC; noncompliance; future utility facilities; abandoned utility facilities

(E) Any other reasonable means of conveyance approved by the commission after receiving recommendations from the advisory committee, provided that such means are equivalent to or exceed the provisions of subparagraph (A), (B), or (C) of this paragraph.



(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.

§ 25-9-13. Penalties for violations of chapter; bonds; enforcement; advisory committee; dispose of settlement recommendation

2A...For purposes of this subsection “refusal to comply” means that a utility facility owner or operator does not respond in PRIS to a locate request, does not respond to a direct telephone call to designate their facilities, or other such direct refusal. Refusal to comply does not mean a case where the volume of requests or some other mitigating circumstance prevents the utility owner or operator from locating in accordance with Code Section 25-9-7.

- 5. Annual Reporting to CGA and DIRT:** Require state entity(s) responsible for the oversight of the 811 system and collection and adjudication of compliance or damage reports, ticket volumes, etc. to submit data to the Common Ground Alliance (CGA) to support the preparation of the annual DIRT report.

Georgia 811 has been participating in DIRT since 2008. We report all damages reported to us into DIRT.

6. Excavation Site Accurate Description:

Premark / White-line Requirement: Require pre-mark or white-lining of any proposed excavation area that includes traditional reference to intersecting streets/roadways paired with one or more of the following options: GPS coordinates, electronic white-line using aerial image(s), or physical white-lining.

§ 25-9-6. Prerequisites to blasting or excavating; marking of sites

- Describe the tract or parcel of land upon which the blasting or excavation is to take place with sufficient particularity, as defined by policies developed and promulgated by the UPC, to enable the facility owner or operator to ascertain the precise tract or parcel of land involved.



- State the name, address, and telephone number of the person who will engage in the blasting or excavating.
 - Describe the type of blasting or excavating to be engaged in by the person; and
 - Define the time frame in which requested excavation may occur.
 - In the event the location upon which the blasting or excavating is to take place cannot be described with sufficient particularity to enable the facility owner or operator to ascertain the precise tract or parcel involved, the person proposing the blasting or excavating shall mark the route or boundary of the site of the proposed blasting or excavating by means of white paint, white stakes, or white flags if practical, or schedule an on-site meeting with the locator or facility owner or operator and inform the UPC, within a reasonable time, of the results of such meeting. The person marking a site with white lining shall comply with the rules and regulations of the Department of Transportation as to the use of such markings so as not to obstruct signs, pavement markings, pavement, or other safety devices.
- a. **GIS System Adoption by Asset Owners:** By 2030, cause all asset owners to adopt a GIS system for asset mapping and require notification through 811 using GPS coordinates.
7. **Standardize Ticket Size - Distance, Duration, and Life:** Standardize the ticket size, distance, duration, and life to the described characteristics.

Georgia 811 has a policy of a 1 mile maximum for normal locates.

§ 25-9-6. Prerequisites to blasting or excavating; marking of sites (1) Describe the tract or parcel of land upon which the blasting or excavation is to take place with sufficient particularity, as defined by policies developed and promulgated by the UPC, to enable the facility owner or operator to ascertain the precise tract or parcel of land involved;

A normal ticket life is 30 calendar days.

§ 25-9-6. Prerequisites to blasting or excavating; marking of sites

(c) Except as otherwise provided in this subsection, notice given pursuant to subsection (a) of this Code section shall expire 30 calendar days following the date of such notice, and no blasting or excavating undertaken pursuant to this notice shall continue after such time has expired. In the event that the blasting or excavating which is the subject of the notice given pursuant to subsection (a) of this Code section will not be completed within 30 calendar days following the date of such notice, an additional notice must be given in accordance with subsection (a) of this Code section for the locate request to remain valid. Additional notices for an existing request shall not expand the tract or parcel of land upon which the blasting or excavation is to take place.



Georgia Summary Conclusions

Overall, Georgia is ranked in the 4th Quartile of states in the design and implementation of its utility locate and damage prevention process and achieves less than adequate performance as measured by CGA's DIRT Report, Continuum, and stakeholders' frequency in experiencing wasted time. Areas highlighted and contributing to this low performance include:

- a. Different parts of the state of Georgia have different enforcement approaches, creating a subjective process in GA where some, perhaps many, damages are not reported or penalized.

§ 25-9-11.1. Local governing authorities prohibited from enforcing ordinances or resolutions imposing fines for violations of certain marking or location requirements

No local governing authority shall enforce any ordinance or resolution which imposes fines for a violation of a local ordinance or resolution that establishes requirements for white lining, marking of utility facilities, re-marking of utility facilities, or otherwise locating utility facilities or sewer laterals for any locate request or large project.

Findings & Observations

The composition of the 811 Board is not specifically addressed in the Georgia dig law. Because it is not addressed, there are no requirements put in place to ensure equal stakeholder representation, resulting in an unbalanced board that is only made up of 11 asset owners or utilities and 2 - 811 representatives, effectively excluding excavator and locator representation.

Georgia 811's Board is comprised of 12 members and no staff. Additionally, Georgia 811 participates in the Georgia utility Coordinating Council (GUCC) and that is the organization that has a legislative committee with representation of all stakeholders. www.GUCC.com

Taken from the Georgia 811 Bylaws

As of October 2, 2012

Utilities Protection Center, Inc.

d.b.a. Georgia 811 (GA811)

BY-LAWS

ARTICLE THREE

MEMBERSHIP

3.1 Classes. There shall be three (3) classes of members defined as follows:

(a) Charter Members – Atlanta Gas Light, AT&T (formerly BellSouth), and Georgia Power Company were the original founding members of the Corporation and have, heretofore, provided the majority of the Corporation's financial support for



operational and capital expenses. These three companies are hereby defined as the (b) Members – Membership in the Corporation shall be available to all entities that operate utility facilities within the geographic area served by the Corporation. These members shall be categorized as either

1. Energy (Gas and Electric)
2. Communications
3. Municipal
4. Other