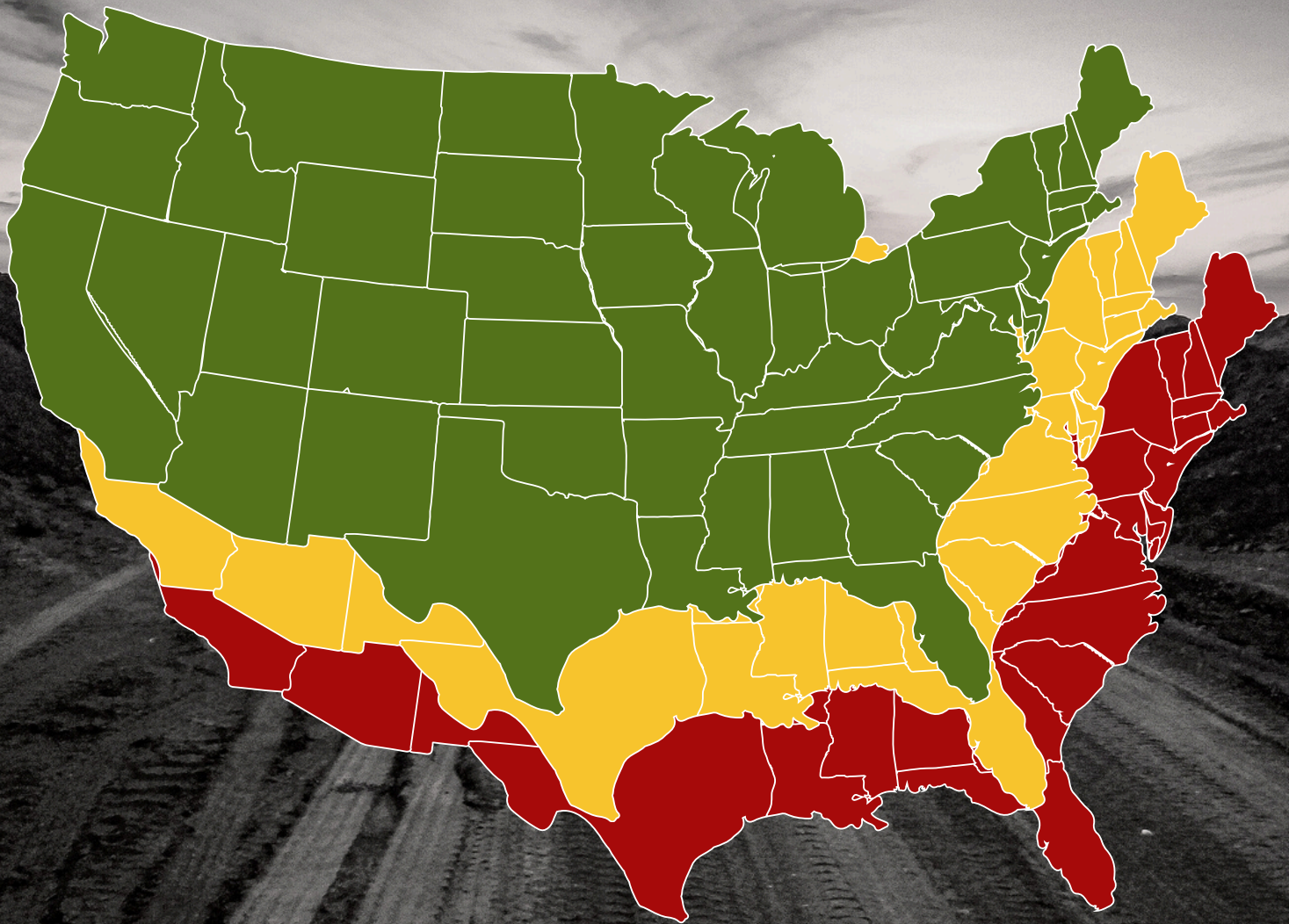


# 2024 Damage Prevention Report Card

Tracking innovation in state dig laws to promote communication and collaboration among stakeholders





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## **Introduction**

Technology and law do not necessarily advance at the same rate. This is an inherent feature of innovation, and a desirable quality in public policy. Laws that advance too far or fast may have unintended consequences, lead to compliance issues, or may even undermine other advancements in innovation. In damage prevention, like with many sectors, law and regulation that set enforceable requirements should generally trail technology and best practices.

Modern technology has advanced such that many of the tools and software that once seemed inaccessible due to scarcity or cost are now virtually ubiquitous. Smart phones, GPS, digital photography, and more only scratch the surface of what the average person – including the average excavator or other damage prevention stakeholder – has available to them. With communication and collaboration at the heart of effective damage prevention, leveraging these tools is essential.

As legislators, regulators, and policymakers consider reforms and updates to the laws impacting damage prevention, they must evaluate what tools are available to stakeholders and how they may align with proven best practices. But evaluation alone is not enough, they must act. While the lag between innovation and policy can be beneficial, allowing technology to mature and become more accessible, the time has come to use currently available technology in setting minimum enforceable standards. With excavation damage trends rising and damage numbers at historical highs, adopting these tools for most or all excavation projects is both achievable and necessary.

This is the third edition of the Alliance for Innovation and Infrastructure (Aii) Damage Prevention Report Card. To provide the most value for industry leaders and policymakers in damage prevention, we have refined our grading rubric to more effectively discern proactive measures taken regarding state laws. We can report that there have been few substantive improvements to state dig laws since our first Report Card in 2016. The laws and regulations of many states continue to inadequately address certain basic practices or simply lack clarity, even if One-Call centers have been more proactive. We intend this Report Card to serve as a resource for state regulators, legislatures, and industry participants interested in adopting higher standards for damage prevention and promoting best practices using available technology.

## Background

Improving state dig laws can have enormous consequences. Not only does excavation pose direct risks to infrastructure reliability, economic well-being, and environmental health, but the most fundamental risk is to worker safety. While *damage prevention* emphasizes the infrastructure itself, the focus of the industry is often referred to as *excavation safety*, emphasizing that every excavation can put excavators, construction workers, and the public at risk of death or serious injury. It is incumbent on public policymakers to ensure safety and prevent broader cascading effects from service disruptions and construction delays. Ensuring high-quality information sharing, communication, and collaboration is a fundamental step.<sup>1</sup>

According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), 639 excavation damages across all pipeline categories resulted in 136 deaths or injuries and cost over \$410 million in damage over the past ten years (from 2014-2023).<sup>2</sup> Narrowing to only excavation damage from gas distribution lines, which connect resources to end users and often are located in densely populated areas, preventable excavation damage resulted in 377 incidents, 12 fatalities, 84 injuries, and over \$176 million in reported costs during the same period.<sup>3</sup>

Excavation incidents that damage water, sewer, cable, broadband, or electric utility lines are not included in the PHMSA analysis, and can also cause death, significant injury, and economic harm. The 2019 Damage Information Reporting Tool (DIRT) Report from the Common Ground Alliance (CGA) estimated that the societal impact of all excavation damages was \$30 billion that year.<sup>4</sup> Other estimates place total annual nationwide excavation damages even higher, between \$50 billion and \$100 billion every year.<sup>5</sup> With new historic highs in excavation damage incidents in three out of the four years since that report, along with compounding factors like inflation, the total annual economic harm is certain to be higher.

Among a number of findings from a 2017 PHMSA study, utilizing mapping technology and Enhanced Positive Response (EPR) can reduce damage incidents during excavation by as much as two thirds.<sup>6</sup> Two Report Cards and eight years later, seemingly only one state has truly

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<sup>1</sup> See, e.g., The Nine Elements of Effective Damage Prevention Programs, Element 1: “Enhanced Communication Between Operators and Excavators,” Pipeline and Hazardous Materials Safety Administration. <https://primis.phmsa.dot.gov/comm/DamagePrevention9Elements.htm>.

<sup>2</sup> *Pipeline incident 20 year trends*. PHMSA. (November 2022). <https://www.phmsa.dot.gov/data-and-statistics/pipeline/pipeline-incident-20-year-trends>.

<sup>3</sup> *Id.*

<sup>4</sup> Common Ground Alliance. (October 2020). *2019 DIRT Report*. CGA . <https://commongroundalliance.com/Publications-Media/DIRT-Report/2019-DIRT-Report>.

<sup>5</sup> Zeiss, G., & Shinoaki, S. (April 2020). Reducing Damage to Underground Utility Infrastructure During Excavation.

[https://gita.memberclicks.net/assets/FINAL%20White%20paper\\_%20Reducing%20Damage%20to%20Underground%20Utility%20Infrastructure%20during%20Excavation%20V5-2-2.pdf](https://gita.memberclicks.net/assets/FINAL%20White%20paper_%20Reducing%20Damage%20to%20Underground%20Utility%20Infrastructure%20during%20Excavation%20V5-2-2.pdf).

<sup>6</sup> PHMSA. (August 2017). A Study on Improving Damage Prevention Technology.

<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/18351/reporttocongressonimprovingdamagepreventiontechnologyaug2017.pdf>.

adopted rules and procedures akin to EPR to ensure robust stakeholder communication and collaboration and to enable the excavator to conduct on-site quality control. Likewise, despite advances in mapping and digital platforms, in almost every state, excavator locate requests continue to under-leverage available technology.

Rather than requiring the use of available and proven technology to facilitate high-quality information sharing, including digital pre-marking and enhanced communication when marks are complete, state laws have generally remained static. Most states currently require some variation of the following steps in the locate process:

- 1) The excavator calls or logs into the state or regional One-Call center at least forty-eight hours prior to beginning excavation;
- 2) The One-Call center notifies any operator with facilities impacted by the excavation;
- 3) The facility operator, often through a third-party contract locator, marks the work site with paint, stakes, or flags to signify the location of any underground facilities within a required 48- to 72-hour period prior to scheduled excavation; and
- 4) The excavator breaks ground after the 48- to 72-hour waiting period has passed.

Although some states have enhanced the procedure above by leveraging available technology to facilitate improved communication between parties, more can be done. Online communication can improve collaboration and lead to safer outcomes by allowing excavators and operators to cross reference information. Increasing shareability of information and accessibility is an effective way to decrease costly accidents that harm excavators, operators, and the public. We created the Report Card to help track which states, through laws and regulations, require the use of better practices and technologies that can improve communication and enable quality-control measures that can reduce excavation damages.

In past Report Cards, we have rated only elements of enhanced positive response. This year, we have added an assessment of white-lining to the Report Card (both physical and virtual white-lining). That is the excavator's markings before they dig to signal to utility operators and locators the precise boundaries they intend to excavate. Mandatory white-lining improves excavation outcomes and is widely supported in the industry, with many states including a requirement to pre-mark in their laws. However, some states do not address white-lining at all, while others only require white-lining at the request of the locator or leave it to the discretion of the excavator. White-lining is generally the best way to communicate the dimensions of the excavation site, and provides more precise information for locators leading to fewer accidents. The legislative or regulatory treatment of electronic white-lining, preferred by many excavators, is also tracked by

state in this Report Card. We have also included Chicago and Washington, D.C. as special districts with distinct damage prevention practices worthy of review.

The objective for every state should be the same: implementing proactive and innovative damage prevention requirements that decrease the potential for damages. The Report Card allows policymakers to see a range of regulations and practical examples of damage prevention provisions to consider for adoption.

The Report Card analysis is focused on two consensus best practices identified by the industry, government, and third-party reports: white-lining and positive response.<sup>7</sup> We treat those as categories and include the more basic forms along with technology-based evolutions to white-lining and positive response. We have noted for years, as an independent third-party observer, the slow progress to see systemic adoption of these practices and the use of available technology to enhance their application.<sup>8</sup> According to CGA in its 2021 Technology Report, the optimal excavation project in 2030 should be far more streamlined:

#### **An Idealized Excavation Project in the Year 2030**

Technology can help transform the damage prevention process, and this section of the Report imagines how an excavation project might unfold in the year 2030 by incorporating technological concepts from CGA Technology Report case studies as well as issues and processes brought to the forefront in the Next Practices Report and Locator White Paper, such as electronic white-lining, GIS-based mapping, enhanced positive response and better communication between excavators and locators/facility operators.

Imagine an excavation project with the following elements:

1. Excavator enters an electronic one call ticket using electronic white-lining.
2. Facility operators/locators respond by marking the site on time and providing an Enhanced Positive Response (EPR). The EPR includes a unique digital file (with a password or QR code) linked to the one call ticket number. The file contains information such as maps/coordinates, photographs, special instructions, etc.<sup>9</sup>

<sup>7</sup> B. Dierker. (July, 2022). *Consensus Around Technologies: The Key Communications Technologies that Need to be Adopted to Improve Efficiency and Reduce Excavation Damages*. Alliance for Innovation and Infrastructure. <https://www.aii.org/wp-content/uploads/2023/01/Consensus-Around-Technologies.pdf>.

<sup>8</sup> Dierker, B. (December, 2023). *Improving Upon Our Dig Laws: Framing Out a Plan for Achieving a 50 Percent Reduction in Excavation Damage*. Alliance for Innovation and Infrastructure. <https://www.aii.org/wp-content/uploads/2024/01/Improving-Upon-Our-Dig-Laws-2023.pdf>.

<sup>9</sup> *Technology Report 2021*. CGA - Common Ground Alliance. (2021, May 21). <https://commongroundalliance.com/Portals/0/2021%20Technology%20Report.pdf?ver=2021-05-27-165320-157>.

With all 16 stakeholder groups comprising CGA unanimously agreeing<sup>10</sup> to list these as best practices and agreeing that by 2030, the ideal dig might start with electronic white-lining and go directly into an enhanced positive response, our Report Card asks basic questions of state laws to identify states' readiness to achieve this ideal dig under current laws and regulations.<sup>11</sup>

### Report Card Evaluation of White-Lining:

- **Physical White-Lining:** Does the state require the excavator to make any physical pre-marking of the excavation area?
- **Electronic White-Lining:** Does the state provide the excavator the option to make any virtual or electronic pre-marking of the excavation area?

### Report Card Evaluation of Positive Response:

- **Positive Response:** Does the state require the communication loop between the excavator and locator to be closed?
- **Electronic Positive Response:** Does the state require a technology-based platform all relevant parties can access and share the status of a locate request?
- **Enhanced Positive Response:** Does the state require enhanced information to be shared between the facility owner, locator, excavator, and One-Call center so that all can view the ticket, photos, maps, and/or other data?

### Further Discussion

After evaluating state laws and determining ratings, we also comment on some of the voluntary technological initiatives led, or that could be led, by the One-Call centers. These do not influence the state color rating in the Report Card but are noted here to see where organic improvements may be happening across the country or can be further encouraged by stakeholder leadership.

- **Electronic White-Lining:** What One-Call center options exist to support or facilitate pre-marking?
- **Electronic Positive Response:** What One-Call center options exist to support or facilitate information sharing through an electronic positive response platform?
- **Enhanced Positive Response:** What One-Call center options exist to support or facilitate enhanced positive response for on-site quality control?

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<sup>10</sup> “Any best practice or program endorsed by the CGA comes with consensus support from experts representing the following stakeholder groups: Excavators, Locators, Road Builders, Electric, Telecommunications, Oil, Gas Distribution, Gas Transmission, Railroad, One Call, Public Works, Equipment Manufacturing, State Regulators, Insurance, Emergency Services and Engineering/Design.” *See, About CGA.*

<https://commongroundalliance.com/Membership-Engagement/What-We-Do>.

*See also*, “Each of the working committees is comprised of members from the 16 active stakeholder groups within the CGA. These committee members operate on a consensus basis – ensuring that all CGA initiatives carry the support of the entire damage prevention community.” <https://commongroundalliance.com/Membership-Engagement/Committees/Technology-Committee>.

<sup>11</sup> And by extension to achieve the CGA challenge to reduce excavation damage by 50 percent over the next five years.

## Reading The Report Card

The Report Card is based on an analysis of every state’s damage prevention statute, as well as any implementing regulations. Where we have deemed relevant, we have also discussed in our analysis information on technological best practices offered by the various One-Call centers.<sup>12</sup> However, the Report Card is focused on the laws and regulations of each state. In certain instances, a state’s legal requirement points to the One-Call center procedures, requiring review of those centers in connection with our grading of the state. Additionally, while the Report Card rates the state laws for their handling of certain practices and technologies, in our analysis below, we note which of the reviewed technologies One-Call centers may be adopting or able to adopt themselves and offer to stakeholders voluntarily even without legal requirements to do so.

The Report Card employs this key to evaluate each best practice from the *Aii Table 1* below:

<b>Green</b>	= Sufficient, required by law
<b>Yellow</b>	= Insufficient, not required by law
<b>Red</b>	= No clear provision addressing the topic in the law
<b>◆</b>	= Select examples policymakers should explore and consider adopting in their own states

<b>Practice</b>	<b>Definition</b>	<b>Evaluation Criteria</b>	<b>One-Call Center Role</b>
<b>Physical White-Lining</b>	The excavator clearly marks, delineate, or “white-lines” the excavation site prior to notifying the One-Call center.	Pre-marking must be required before alerting the One-Call center (or before locators arrive) and be mandatory except in certain limited circumstances.	Physical process, no One-Call center role
<b>Electronic White-Lining</b>	Excavators have the option, through the One-Call Center mobile application or website, to delineate the area of their proposed excavation site virtually through an aerial view on an electronic map.	Pre-marking must be required and the use of electronic or digital white-lining explicitly encouraged or allowed. Electronic white lining methods must be directly mentioned within the law or regulations.	Facilitated through technology at the One-Call center

<sup>12</sup> See Appendix A for discussion on the Industry-Policy Approach.



<b>Positive Response</b>	The locator or facility operator a) if facilities are located at the excavation site, notify the excavator directly or through the One-Call center that the location of the facilities at the proposed excavation site has been marked, or b) if facilities are not located at the excavation site, notify the excavator directly or through the One-Call center that they do not have any facilities under or around the proposed excavation site.	A phone call, email, in-person communication, or update to an online portal by the locator or operator is required. Marking the worksite alone (or not marking a worksite where no facilities are present) would not meet this requirement.	Communication process conducted by stakeholders directly or through the One-Call center
<b>Electronic Positive Response</b>	The One-Call center or other damage prevention authority form, host, or make available a common-access platform where excavators, One-Call center personnel, utility operators, and locators can all view and update the status of a locate ticket.	An electronic positive response system, smart phone application, or ticket status check portal on the One-Call center website must be functional and its use required by law.	Facilitated through technology at the One-Call center
<b>Enhanced Positive Response</b>	The utility operator, One-Call center, and locator make the information that they have about the excavation site and the underground facilities located there and information used or collected during the locate process, available directly to the excavator through an electronic platform.	The excavator must have access to locate request information, such as facility maps, digital photos taken by the locator, and virtual manifests.	Facilitated through technology at the One-Call center

*Aii Table 1: Definition and Criteria Summary*

## White-Lining

In this section, we review state laws in their handling of the excavators' pre-marking of the excavation site. The two approaches to pre-marking are physical white-lining, such as with paint, stakes, or flags, and electronic white-lining by using a mapping platform on the One-Call center website. While state law can require one or both of these practices, electronic white-lining is a technology-based practice that One-Call centers can take the lead in developing and offering irrespective of state laws.

### Physical White-Lining

*Does the state require the excavator to make any physical pre-marking of the excavation area?*

We have defined white-lining as a requirement of the excavator to clearly mark, delineate, or “white-line” the excavation site prior to notifying the One-Call center.<sup>13</sup> To meet our criteria for white-lining, pre-marking must be required before alerting the One-Call center (or before locators arrive) and be mandatory except in certain limited circumstances.

White-lining only at the request of an operator would not meet our criteria. Marking only where further clarification is needed would not meet our criteria. However, an alternative requirement for an in-person onsite meeting between excavator and operator prior to locating services would satisfy the criteria, possibly providing more information and communication than a pre-mark.<sup>14</sup> Clearly defining the area of excavation helps prevent miscommunication that could otherwise result in damages and delays, while offering facility operators and locators a narrower area to concentrate their locating - even if they must still locate and mark an entire property.

As seen in the Report Card, 18 states have white-lining requirements that meet our definition:

**Arkansas, California, Connecticut, Hawaii, Iowa,<sup>15</sup> Maine, Massachusetts, Minnesota, Nevada, New Hampshire, New Mexico,<sup>16</sup> Ohio, Oregon,<sup>17</sup> Rhode Island, Vermont, Virginia, Washington, Wyoming**

*In the last four years, 12 states have updated or amended the white-lining section of their dig laws.<sup>18</sup>*

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<sup>13</sup> Or in conjunction with such notification before the utility owner/operator or locator visits the site.

<sup>14</sup> We considered “white-lining or better” in assessing the state law approaches that listed compliance options and offered exceptions to white-lining being required in most or all cases. Site meetings creates more parity between the excavator and locator, both ensuring improved communication and having them both on-site.

<sup>15</sup> Iowa is graded green, but only because the exception is narrow enough.

<sup>16</sup> White-lining in New Mexico is only required in incorporated areas.

<sup>17</sup> Oregon is graded green, but only because the exception is narrow enough.

<sup>18</sup> While this is the first year in our three-report series Aii has included white-lining for evaluation, it is a valuable component of our report to track how frequently states update their dig laws and whether those changes foster

States are graded green where they have white-lining practices that meet our definition and are required by law. For a rating of green, white-lining must be the default action for excavators, with limited or no exceptions. States with a ♦ meet this standard and succinctly and clearly explain the requirement. (e.g. “Before notifying the appropriate regional notification center, an excavator planning to conduct an excavation shall delineate the area to be excavated. If the area is not delineated, an operator may, at the operator’s discretion, choose not to locate and field mark until the area to be excavated has been delineated.”)<sup>19</sup>

Many state codes include a definition for white-lining, but the clause that actually employs the definition may not require its use. States are graded yellow when white-lining is only required when the excavation site cannot be clearly described or identified, or the exceptions swallow the rule. Other states are graded yellow due to the requirement to delineate only upon the request of the locator. Not all exceptions to white-lining result in a yellow grading, such as provisions that allow exceptions based on practicality<sup>20</sup> or when a more favorable alternative is selected, such as unanimous agreement by all parties that marking is unneeded or the parties agree to a site visit.

States with codes that make no mention of Physical White-Lining at all receive a grade of red.

#### **Four common deficiencies in white-lining requirements include:**

- 1) Pre-marking is only required when the excavation site cannot be adequately or “accurately” described on the locate request.** (e.g. “When the excavation area cannot be clearly and adequately identified within the area described in the notice, the excavator shall designate the route, specific area to be excavated, or both by premarking the area ...”)<sup>21, 22</sup> When “accurately” describing the site serves as an exception for white-lining, it can weaken communication and lead to mistakes. Descriptions are subject to interpretation, but visible markings are objective.
- 2) Pre-marking is only required upon request by the locator or facility operator.** (e.g. “On a timely request by the underground facilities operator, the excavator shall mark the boundaries of the area requested to be excavated...”)<sup>23, 24</sup>
- 3) Pre-marking is at the discretion of the excavator.** (e.g. “An excavator shall provide adequate information to the owners of underground facilities in order to locate and mark the location of underground facilities... The information may include but is not limited to

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innovative solutions to promote the use of technology to improve communication and collaboration among stakeholders to reduce the potential for excavation damage.

<sup>19</sup> California Government Code § 4216.2.

<sup>20</sup> Minnesota Statute 216D.05(2) and Minnesota Administrative Rule 7560.0350(1).

<sup>21</sup> North Carolina General Statutes § 87-122. (c) (1).

<sup>22</sup> States with this deficiency include Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, Texas, and Utah.

<sup>23</sup> Arizona Revised Statutes § 40-360.22.C.

<sup>24</sup> States with this deficiency include Arizona, Kansas, and Kentucky.

marking the path of the proposed excavation with white paint...”).<sup>25</sup> While pre-marking is indicated in the legislation, it is left as a voluntary practice.<sup>26</sup>

- 4) **The exception threatens to swallow the rule.** (e.g., “An excavator need not pre-mark as required in this subsection if: (i) the underground facility owner... can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket...”)<sup>27, 28</sup> In statutes where a street address or lot number is sufficient to serve as an exception for white-lining, white-lining is no longer the default action, and does not have to be used in the majority of excavations.

Because physical white-lining is an on-site task performed by the excavator by hand, there is no facilitating role for the One-Call center.



*Aii Image 1: White-lining for road repair.*



*Aii Image 2: White-lining on a city sidewalk with other facility marks.*

<sup>25</sup> Montana Code Annotated § 69-4-503 (2)(a).

<sup>26</sup> States with this deficiency include Montana, New Jersey, and South Dakota.

<sup>27</sup> Idaho Statutes 55-2205 (1)(b).

<sup>28</sup> States with this deficiency include Idaho, Mississippi, and Tennessee.



## Electronic White-Lining

*Does the state provide the excavator the option to make a virtual or electronic pre-marking of the excavation area?*

We have defined electronic white-lining as excavators having the option, through the One-Call center mobile application or website, to delineate the area of their proposed excavation site virtually through an aerial view on an electronic map. To meet our criteria for electronic white-lining, pre-marking must be required and the use of electronic or digital white-lining explicitly encouraged or allowed. Electronic white-lining methods must be directly mentioned within the law or regulations.

A basic web-entry locate request that uses a map but does not preserve the detailed input of the excavator would not meet our definition of electronic white-lining. This would include One-Call centers that allow excavators to draw a polygon, but when they submit, the system only retains a buffered notification polygon (often of an entirely different shape).<sup>29</sup>

Only 10 states mention electronic white-lining options in their legislative or regulatory codes:

**Colorado, Georgia, Illinois,<sup>30</sup> Indiana,<sup>31</sup> Iowa, Louisiana, North Dakota, Tennessee, Virginia, Wyoming**

*In the last four years, four states have updated or amended the white-lining section of their dig laws to include language relating to virtual or electronic white-lining.*<sup>32</sup>

The Report Card does not grade each state on a scale (green, yellow or red) for providing the option to utilize electronic white-lining. Instead, we note those states that do include it in their definitions or requirements. While there are distinct benefits to electronic white-lining that exceed certain benefits of physical white-lining, any kind of excavator pre-marking (physical or electronic) is an important step in communication and collaboration between stakeholders.

Electronic white-lining has been shown to improve excavation outcomes and is recommended as one of the opportunities with the greatest return-on-investment by the Next Practices Initiative

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<sup>29</sup> Dierker, B. (2022, July 14). *Feature: Making A homeowner locate request*. Alliance for Innovation and Infrastructure. <https://www.aii.org/feature-making-a-homeowner-locate-request/>

<sup>30</sup> Law goes into effect January 2026.

<sup>31</sup> Law goes into effect January 2025.

<sup>32</sup> While this is the first year in our three-report series Aii has included electronic white-lining for evaluation, it is a valuable component of our report to track how frequently states update their dig laws and whether those changes foster innovative solutions to promote the use of technology to improve communication and collaboration among stakeholders to reduce the potential for excavation damage.

from the Common Ground Alliance.<sup>33</sup> Electronic white-lining increases accuracy of excavation-site locations and can reduce over-notification to facility operators.

*What One-Call center options exist to support or facilitate pre-marking?*

Because electronic white-lining is a virtual task accomplished through a website or mobile application of the One-Call center, there is an opportunity for the One-Call centers to voluntarily offer excavators technological solutions beyond what the law requires. While One-Call programs are not graded in this report, they may help facilitate permanent law changes that promote best practices.

Electronic white-lining was jointly piloted in 2007 in the state of Virginia in coordination with its One-Call center and PHMSA.<sup>34</sup> A 2009 study provides cost comparisons and damage outcomes demonstrating advantages of utilizing a virtual or electronic white-line in contrast to not using this technology.<sup>35</sup> According to an Aii survey in 2023, as many as 72 percent of One-Call centers “offer an online mapping tool for excavators to pre-mark their digging site.”<sup>36</sup> However, it is unclear to what extent such a mapping tool merely facilitates online ticket requests to create general notification polygons or which truly function as electronic white-lining.<sup>37</sup> Because approximately 72 percent of locate requests now come to U.S. One-Call centers as electronic or web-entry requests (with only about 28 percent being phone calls or fax),<sup>38</sup> there is ample opportunity for One-Call centers to incorporate high-quality electronic white-lining as the first step for the excavator making a locating request.

### **White-Line Conclusion:**

Physical white-lining is a best practice that has been utilized for decades and was promoted in the 1999 Common Ground Study by the U.S. Department of Transportation, while electronic white-lining is a relatively newer process leveraging technology. In both cases, state laws have been slow to uniformly require excavators to pre-mark their excavation site to improve communication with the facility owner/operators and the locators.

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<sup>33</sup> *Next Practices Initiative Report 2021*. CGA - Common Ground Alliance. (2021, October 12). <https://commongroundalliance.com/Publications-Media/Next-Practices-Status-Report>.

<sup>34</sup> PHMSA. (2007, November). Virginia Pilot Project: Incorporating GPS Technology to Enhance One-Call Damage Prevention. [https://primis.phmsa.dot.gov/comm/publications/Virginia\\_Pilot\\_Project\\_Report\\_Phase\\_I.pdf](https://primis.phmsa.dot.gov/comm/publications/Virginia_Pilot_Project_Report_Phase_I.pdf).

<sup>35</sup> Ivy H. Smith Co., LLC and UtiliQuest, LLC. (2009). *Virtual Whiteline Study*. [https://commongroundalliance.com/sites/default/files/webform/Virtual%20Whiteline%20Study%20Virginia\\_10052016.pdf](https://commongroundalliance.com/sites/default/files/webform/Virtual%20Whiteline%20Study%20Virginia_10052016.pdf).

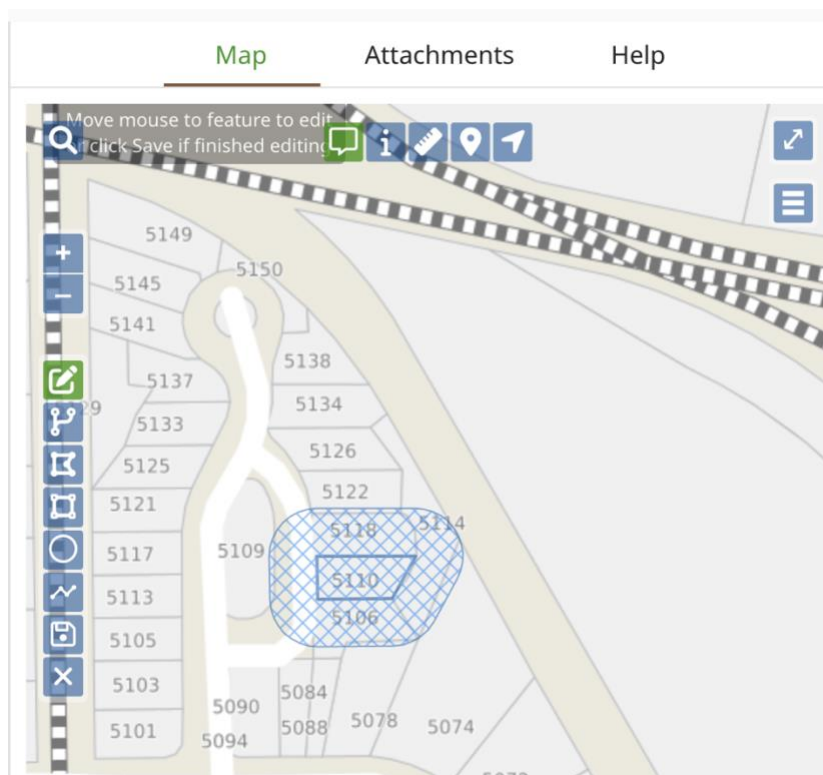
<sup>36</sup> Dierker, B. (June 2024). Damage Prevention One-Call Center Survey. Alliance for Innovation and Infrastructure. <https://www.aii.org/wp-content/uploads/2024/06/One-Call-Survey.-Public-Results.pdf>.

<sup>37</sup> Potential ambiguity in the survey question likely contributed, as does lack of clear definition and legislative examples.

<sup>38</sup> Common Ground Alliance. (2023, September). 2022 DIRT Report. CGA <https://commongroundalliance.com/Publications-Media/DIRT-Report/2022-DIRT-Report>.

For stakeholder understanding and compliance, simple and clear legal requirements are best. While states rightly make reasonable exceptions, the law can and should create an unambiguous requirement that applies in most or all cases. The default should be to pre-mark, with limited and narrow exceptions.

A well written white-line law may look something like “Before every excavation, the excavator shall employ physical white-lining, electronic white-lining, or both.” Practical exceptions may include emergency excavations or “unless all parties agree in advance such marking is unnecessary or agree to a site meeting.” Utilizing technology for white-lining is easier than ever but should also come with robust guidelines to avoid confusion and mistakes.



*Aii Image 3: Excavator pre-marking through a One-Call center platform to generate notification polygon. (See note 29 for discussion)*

## Positive Response

In this section we review state law requirements around locators and/or facility owner/operators providing information on the status and completeness of their work to excavators, either directly or through the One-Call center. Positive Responses close the communication loop between excavators, utility operators, and locators, both increasing participation and reducing confusion. The three approaches to communication we review are: Positive Response, Electronic Positive Response, and Enhanced Positive Response. While state law may require one or more of these practices, electronic positive response and enhanced positive response are specifically technology-based practices that One-Call centers can take the lead in developing and offering irrespective of state laws.

### Positive Response

*Does the state require the communication loop between the excavator and locator to be closed?*

We have defined a positive response as a requirement that the locator or facility operator, a) notify the excavator directly or through the One-Call center that the location of the facilities at the proposed excavation site has been marked, or (b) notify the excavator directly or through the One-Call center that they do not have any facilities at the proposed excavation site.

To meet Aii's criteria for positive response, a phone call, email, in-person communication, or update to an online portal by the locator or operator is required. Marking the worksite alone (or not marking a worksite where no facilities are present) would not meet this requirement. Additionally, positive response must be mandated by law, not merely available through a One-Call center program.

Positive response is important because it closes the communications loop between the excavator and the locator. In its absence, an excavator could incorrectly assume that there were no facilities in the work area if no markings are visible after the waiting period ends when, in fact, the site had not been located within the required time period. This could be the result of a mistake, weather, shortage of locators, or other scheduling issues. Unclear communication significantly increases the possibility of an incident.

As seen in the Report Card, 27 states and Washington, D.C. have positive response requirements that meet our definition:

**Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Nebraska,**



Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania,<sup>39</sup> South Carolina, Tennessee, Virginia, Washington, D.C.

*Since our report in 2020, 14 states have updated or amended the positive response section of their dig laws.<sup>40</sup>*

States are graded green when they have positive response practices that meet our definition and are required by law. States with a ♦ meet this standard and succinctly and clearly explain the requirement. (e.g. “Each operator, upon determining that no underground facility is present on the tract or parcel of land or upon completion of the marking of the location of any underground facilities on the tract or parcel of land shall provide a positive response with information to the ‘One-Call Notification System.’”)<sup>41</sup>

States are graded yellow primarily on the basis of insufficient laws, which only require closing the communication loop in some instances. States with codes that make no mention of Positive Response at all receive a grade of red.

#### **Four common deficiencies in positive response requirements are:**

- 1) Spray paint or other markings are themselves deemed to be a positive response.** (e.g. “an operator...shall inform the excavator of the tolerance zone of the underground facility...by marking, flagging or other acceptable method.”)<sup>42, 43</sup>
- 2) Notice is required only if no facilities are present.** (e.g. “the operator shall: (i) mark the location of its underground facilities... or (ii) notify the excavator...that the operator does not have any underground facility in the area...”)<sup>44</sup> While this is better than no communication, it does not address the more critical issue of an unmarked site when facilities are actually present. A positive response should require the locator or operator to respond after marking or not marking to clarify that they did finish marking or why they did not mark.<sup>45</sup>
- 3) Notice is required to the excavator only when the locator is unable to complete his task, unable to find facilities, or otherwise leaves markings incomplete.** (e.g. “If an

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<sup>39</sup> In practice, everyone treats Pennsylvania as having mandatory Positive Response. However, it is not clear from the law that positive response is required. Further law changes would improve clarity.

<sup>40</sup> The seven new additions that have joined this group in our report are Arkansas, Illinois, Kentucky, Nevada New Jersey, Oklahoma, and Washington D.C. However, three states also left this group due to the refined grading rubric. The states that received green in 2020 but do not in 2024 are Alaska, Missouri, and Ohio.

<sup>41</sup> Alabama Code §37-15-6(d).

<sup>42</sup> Kansas Statute 66-1806(a).

<sup>43</sup> States that fall under this deficiency include Arizona, Connecticut, Kansas, Maine, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Hampshire, South Dakota, Utah, and Wisconsin.

<sup>44</sup> Utah Code 54-8a-5(1)(a)(i)-(ii).

<sup>45</sup> States with this deficiency include Arizona, Connecticut, Chicago, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nevada, New Hampshire, Oregon, South Dakota, Utah, and Wyoming.

underground facilities operator is unable to complete the location and marking within the time period...the facility operator shall...provide prompt notice of these facts to the excavator...”<sup>46</sup>

- 4) **The code provides for a positive response, even a clear and robust version, but it only applies to certain facilities.** (e.g. “Any operator who owns, operates, or both, an underground facility used in the transportation of gas or hazardous liquids and subject to the federal pipeline statute...”)<sup>47</sup> State laws sometimes differentiate pipelines from other underground facilities.<sup>48</sup>

Because basic positive response may utilize a direct phone call, email, or other communication, this can be accomplished separately from the One-Call center or through the One-Call center.



*Aii Image 4: Four of five local utility markings completed on site. Fifth unmarked at time of photo.*

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<sup>46</sup> Arizona Revised Code §40-306.22(I).

<sup>47</sup> New Hampshire Admin. Code 804.02 (e).

<sup>48</sup> Both New Hampshire and Texas have this deficiency. Part of the Indiana Code also differentiates pipeline facilities, but 2024 law changes have solved this issue.

## Electronic Positive Response

*Does the state require a technology-based platform all relevant parties can access and share the status of a locate request?*

For purposes of the Report Card, we have defined “Electronic Positive Response” as a requirement that the One-Call center or other damage prevention authority form, host, or make available a common-access platform where excavators, One-Call center personnel, utility operators, and locators can all view and update the status of a locate ticket. To meet this definition, an electronic positive response system, log-in smart phone application, or ticket status check portal on the One-Call center website must be functional and its use required by law.

Leaving physical documents on site for the excavator would not meet our definition. Further, online locate ticket entry without the ability to track or check the status of the ticket is insufficient. Even if the worksite is properly marked and an effective positive response system is in place, all of the parties – the excavator, the One-Call center, the operator, and the locator– should be able to provide updates and track a locate request to view its progress at all times.

A common-access platform builds on positive response by allowing centralized, real-time updates that can help reduce the likelihood of damage. With positive response, miscommunication between locators and excavators can be reduced regarding the completion of the locate. With electronic positive response, efficiency can be improved, and the communication process can be further enhanced by allowing all parties to view and update information on the ticket virtually in real time. Excavators do not need to check with individual utility companies or wait for them to send a message, because excavators can check a single portal to see the status of all locates as marked, cleared, or not yet marked. This can also reduce confusion about whether all marks on site have been made when some locators have completed their work, but others have not.

As noted above, while 27 states and Washington, D.C. require a positive response meeting our definition, 22 require a technology-based platform for parties to post or view responses in real time:

**Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois,<sup>49</sup> Indiana,<sup>50</sup> Kentucky, Maryland, Michigan, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, South Carolina, Tennessee, Virginia<sup>51</sup>**

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<sup>49</sup> Law goes into effect January 2026.

<sup>50</sup> Law goes into effect January 2025.

<sup>51</sup> Changes from 2020 include the additions of Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Nevada, New Jersey, and North Dakota, while Missouri was removed due to deficiencies with its positive response provision.

*Since our report in 2020, 11 states have updated or amended the positive response section of their dig laws to include reference to electronic positive response.*

The 22 states are graded green because they require by law an electronic online information exchange system that allows all parties (the excavator, facility operator, locator, and One-Call center) to track the progress of the locate request and record a positive response. Some states receive a grade of green because the state law requires positive response to be submitted in accordance with the One-Call center practice. States receive green ♦ for making the requirement succinct and functional. (e.g. “[E]very operator shall supply an electronic positive response through the regional notification center before the legal excavation start date and time.”)<sup>52</sup>

States graded yellow on the report card do not currently require that positive responses be shared to a ticket check system and accessible to excavators through the One-Call center, or they provide exceptions so that not require all operators or locators are required to provide digital positive responses. This leaves excavators having to wait for phone calls, faxes, emails, or even to rely on site markings. Virtually every state has at least a voluntary practice for ticket check and electronic platforms, but grades are based on required compliance with laws and statutes. A state may also be graded yellow if they include a provision for electronic positive response, but the provision for positive response itself is deficient.

States with codes that make no mention of Electronic Positive Response at all receive a grade of red.

### **Two common deficiencies in Electronic Positive Response requirements are:**

- 1) Digital positive response is optional, but not required.** (e.g. “The facility operator shall promptly notify the center by facsimile, e-mail, telephone, or the one call center computerized positive response system available on the worldwide web, of the action the facility operator has taken.”)<sup>53</sup>
- 2) Lack of a mandatory centralized system to update and check locate requests** (e.g. “‘Notice’ or ‘notify’ means contact in person or by telephone or other electronic method... also results in the receipt of a valid excavation confirmation code.”)<sup>54</sup>

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<sup>52</sup> California Government Code § 4216.3 (c)(1)(A).

<sup>53</sup> Hawaii Administrative Rules §6-83-46 (b).

<sup>54</sup> Revised Code of Washington 19.122.020. (18).



*What One-Call center options exist to support or facilitate information sharing through an electronic positive response platform?*

Because electronic positive response is a virtual task accomplished through a website or mobile application of the One-Call center, there is an opportunity for the One-Call center to offer excavators technological solutions to use voluntarily beyond what the law requires. While voluntary One-Call programs are not graded in this report, they may help facilitate permanent law changes that promote best practices.

\* Responses are current as of 07/12/2022 11:30 AM

Service Area	Utility Type(s)	Locate Contact	Damage	Positive Response
AT&T/D- [REDACTED]	Phone	[REDACTED]	[REDACTED]	Utility Type: Phone: Marked
COMCAST CABLEVISION [REDACTED]	Cable	[REDACTED]	[REDACTED]	Utility Type: Cable: Marked
[REDACTED] WATER SYSTEM	Sewer, Water	[REDACTED]	[REDACTED]	Utility Type: Sewer: Member operator not in area of excavation Utility Type: Water: Marked
[REDACTED]	Cable	[REDACTED]	[REDACTED]	Utility Type: Cable: No Conflict
[REDACTED] SEWER DISTRICT	Sewer	[REDACTED]	[REDACTED] T DEPARTMENT	Utility Type: Sewer: No Conflict
DOMINION ENERGY ELECTRIC [REDACTED]	Electric	[REDACTED]	[REDACTED]	Utility Type: Electric: Marked
DOMINION ENERGY GAS [REDACTED]	Gas	[REDACTED]	[REDACTED]	Utility Type: Gas: Marked

*Aii Image 5: A ticket-check system offered through a One-Call center allowing the excavator to check the status of multiple utility companies in real time. This process is not unlike an Amazon order or pizza delivery.<sup>55</sup>*

<sup>55</sup> Dierker, B. (2020). How Pizza Can Show Damage Prevention A Better Way Forward. Alliance for Innovation and Infrastructure. <https://www.aii.org/how-pizza-can-show-damage-prevention-a-better-way-forward/>.

## Enhanced Positive Response

*Does the state require enhanced information to be shared between the facility owner, locator, excavator, and One-Call center so that all can view the ticket, photos, maps, and/or other data?*

We have defined “Enhanced Positive Response” as a requirement that the utility operator, One-Call center, and locator make (1) the information that they have about the excavation site and the underground facilities located there, and (2) information used or collected during the locate process, available directly to the excavator through an electronic platform that we described previously as Electronic Positive Response. To sufficiently meet our definition for Enhanced Positive Response, the excavator must have access to locate request information, such as ticket information, facility maps, digital photos taken by the locator, and virtual manifests. These have been demonstrated to add value for all stakeholders, including excavators, locators, and facility owners, improving safety, efficiency, and overall damage prevention.<sup>56</sup> Additional enhanced information beyond this is encouraged. Paper documents or printed photos left on site would not meet this requirement unless they are also uploaded and accessible through the electronic platform.

Even with a positive response system in place, inclement weather, construction, lawn mowing, or other disruptions could wash away, shift, or otherwise remove markings that were properly made when required. Allowing excavators to access additional information affords the excavator a chance to double check, clarify, and dig with confidence. Additionally, facility maps or other information that may be available from the facility owner, One-Call center, or locator may be useful during excavation in avoiding damage.

There are several ways technology can be used to accomplish enhanced information sharing for on-site quality control. Electronic positive response portals can at least allow, or at best require, an attachment of the required additional information. Thus “marked” may be accompanied by an additional column for hyperlinks or attachments including photos of the marked site, digital maps, or other enhanced information.

The image shows a screenshot of a web application interface. It features two main sections: 'Ticket Details' and 'Responses'. Each section contains a table with several columns. The 'Ticket Details' table has columns for Ticket, Revision, Address, Street, Cross Street, Company, and Locate By. The 'Responses' table has columns for Revision, Member Code, Member Name, Response, Description, Responded, Comments, URL, and Attachments. Both tables are currently empty, with the text 'No matching records found' centered below each table header.

*Aii Image 6: From Colorado811 Positive Response Display, excavators can see not only status, but Comments, URL, and Attachments left by locators or operators.*

<sup>56</sup> Common Ground Alliance (2014). *Enhanced Positive Response Pilot*. CGA [https://www.commongroundalliance.com/sites/default/files/EnhancedPositiveResponsePilot\\_June2014.pdf](https://www.commongroundalliance.com/sites/default/files/EnhancedPositiveResponsePilot_June2014.pdf).

As shown in the Report Card, only one state has updated its laws or regulations to require digital transmission of information for better quality control at the work site:

## Colorado

*Since our report in 2020, no new states have updated their laws to include reference to enhanced positive response.*

The only state graded green is Colorado, which makes clear in its law that enhanced information is required along with a positive response. In addition to markings, Colorado requires that facility operators “shall provide for each of its underground facilities: (A) Documentation listing the owner's or operator's name, the size and type of each marked underground facility. AND (B) Documentation of the location of the underground facilities in the form of a digital sketch, a hand-drawn sketch, or a photograph that includes a readily identifiable landmark, where practicable.”<sup>57</sup>

In Washington, D.C. and Maryland, a voluntary EPR system is used by several companies. The program is effective and should be explored and adopted as a minimum enforceable standard. However, because it is a voluntary program not mentioned in state law, both Maryland and Washington D.C. still receive scores of red.

Additional states have One-Call center practices encouraging but not requiring data sharing. Utah offers facility owners the option to include image attachments and notes on positive responses. While not required, and though falling short of robust EPR data sharing, it is an encouraging step.

These are steps in the right direction. As legislators and regulators look at their sister states to revise and improve on their rules, it is critical to maintain flexibility for operators and others to experiment and improve rather than follow highly technical prescriptive rules.

States with codes that make no mention of Enhanced Positive Response at all receive a grade of red.

**The primary deficiency in Enhanced Positive Response, which limit on-site quality control, are:**

- 1) Voluntary or Pilot Program Enhanced Positive Response System.** (e.g. A voluntary EPR system is in use by several utility companies in Maryland and D.C., though the program is not explicitly mentioned in any law or provision.)

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<sup>57</sup> Colorado Revised Statutes 9-1.5-104.2 (See also: <https://newtin.co811.org/responsedisplay/>).

*What One-Call center options exist to support or facilitate enhanced positive response for on-site quality control?*

Because enhanced positive response is a virtual task accomplished through a website or mobile application of the One-Call center, there is an opportunity for the One-Call center to offer excavators technological solutions to use voluntarily beyond what the law requires.

In Washington, D.C. and Maryland, EPR system is used by some companies.<sup>58</sup> This facilitates transmission of enhanced information. However, because this program is not mentioned in Maryland law, that state is still graded ‘red’. We applaud the efforts of this voluntary practice, which should be explored further and adopted as a minimum enforceable standard.

**Positive Response Conclusion:**

Positive response is a best practice that has been utilized for decades, while electronic positive response and enhanced positive response are relatively newer and leverage the use of technology. In each case, state laws have been slow to uniformly require the use of these effective communication tools.

For stakeholder understanding and compliance, simple and clear legal requirements are best. While states rightly make reasonable exceptions, the law can and should create an unambiguous requirement that applies in most or all cases. The default should be to ensure that every locate request – and every resulting utility notification – results in a positive response back to the excavator (either directly or through the One-Call center). Improvements in the law can most often be made to ensure a positive response is required for both completed markings **and** when the utility operator indicates clear/no conflict with their infrastructure.

A well written positive response law may look something like “After every locate request, the utility owner/operator shall provide a positive response through the One-Call center to provide real-time status of the marking, including if the marking is completed and if no marking is necessary, and providing all enhanced information relevant for the excavator to conduct on-site quality control.” Practical exceptions may include exceptions for enhanced information provided within a reasonable timeframe or to provide certain details upon request, such as facility maps.

Utilizing technology for positive response is easier than ever, and leveraging One-Call centers and ticket check systems to achieve systemic adoption of electronic and enhanced positive response is a natural opportunity for improved communication to reduced excavation damage.

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<sup>58</sup> In fact, the CGA best practice statement points to Washington, D.C. and Maryland as having EPR in daily use stating in a reference: “EPR is in use as a daily process by Washington Gas, UtiliQuest and Miss Utility (OCCO 811 center for all locate requests in Washington DC and MD.” See, CGA Best Practice Guide Chapter 3. 3.31 Enhanced Positive Response. Common Ground Alliance. <https://www.bestpractices.commongroundalliance.com/-/3-811-Center/331-Enhanced-Positive-Response>.

## Conclusion

Since our last Damage Prevention Report Card in 2020, 24 states and Washington, D.C. have made changes to their excavation legislation or regulations. Of these, 16 states and Washington, D.C. have revised the sections we evaluate here. While this is a positive step forward, fewer than half of all states mandate white-lining, and there remains significant hesitation to formally adopt technology-based damage prevention solutions. Many of the states that have revised their laws in the past four years do not appear to have made any significant move to improve the systemic adoption of technology to bolster the damage prevention process for stakeholder safety and infrastructure protection.

We believe that most states continue to have inadequate excavation laws as they relate to damage prevention. Efforts to incorporate best practices have been weakened by broad or unnecessary exceptions and exemptions. Although forward-thinking voluntary measures from One-Call centers are encouraging, the responsibility for driving lasting change ultimately rests with both lawmakers and industry leaders.

Communication is the catalyst for increased safety and efficiency in excavation. Every new law that enhances the exchange of information between excavators, locators, and utility operators helps prevent costly accidents, injuries, and fatalities that occur each year. Many One-Call centers already offer voluntary platforms to improve communication and collaboration among stakeholders. Making these practices mandatory could save billions in annual excavation-related damages. Specifically, incorporating well-accepted and proven consensus best practices into new threshold requirements is called for. In line with industry and unanimous stakeholder agreement to see innovative technological best practices as the new baseline standards for the ideal dig of the future, state legislatures and policymakers should now act to meet the 2030 idealized dig and see electronic white-lining and enhanced positive response as the first and second steps in every dig.

Much work remains to be done, but industry leader and policymaker coordination is sure to achieve great strides in the years ahead. With technology access no longer a barrier, due to the proliferation of mobile devices, internet access, and robust One-Call center platforms offering digital mapping and web-entry locate requests, there is no reason state laws should not embrace basic yet innovative technological changes.

This report card is not intended to be used as a tool for criticizing state programs. Its purpose instead is to shine a light on states that we perceive are moving in the right direction and to draw attention to areas where states could improve their laws, regulations, and practices.



## Aii 2024 Damage Prevention Report Card

State	White-Lining	Electronic White-Lining	Positive Response	Electronic Positive Response	Enhanced Positive Response
Alabama	Yellow		Green	Green	Red
Alaska	Red		Yellow	Red	Red
Arizona	Yellow		Yellow	Yellow	Red
Arkansas	Green		Green	Green	Red
California	Green ♦		Green	Green	Red
Colorado	Yellow	Yes	Green	Green	Green ♦
Connecticut	Green		Yellow	Red	Red
Delaware	Red		Green	Red	Red
Florida	Yellow		Green	Green	Red
Georgia	Yellow	Yes	Green ♦	Green	Red
Hawaii	Green		Green	Yellow	Red
Idaho	Yellow		Red	Red	Red
Illinois	Yellow	Yes	Green ♦	Green	Red
Chicago	Yellow		Yellow	Red	Red
Indiana	Yellow	Yes	Green	Green ♦	Red
Iowa	Green	Yes	Green	Red	Red
Kansas	Yellow		Yellow	Yellow	Red
Kentucky	Yellow		Green	Green	Red
Louisiana	Yellow	Yes	Yellow	Yellow	Red
Maine	Green		Yellow	Yellow	Red
Maryland	Red		Green ♦	Green	Red
Massachusetts	Green ♦		Yellow	Red	Red
Michigan	Yellow		Green	Green	Red
Minnesota	Green		Yellow	Yellow	Red
Mississippi	Yellow		Green	Green ♦	Red
Missouri	Yellow		Yellow	Yellow	Red
Montana	Yellow		Yellow	Yellow	Red
Nebraska	Red		Green	Green	Red
Nevada	Green		Green	Green	Red
New Hampshire	Green		Yellow	Red	Red
New Jersey	Yellow		Green	Green ♦	Red
New Mexico	Green		Green	Green	Red

<b>New York</b>	<b>Yellow</b>		<b>Green</b>	<b>Green</b>	<b>Red</b>
<b>North Carolina</b>	<b>Yellow</b>		<b>Green</b>	<b>Green</b>	<b>Red</b>
<b>North Dakota</b>	<b>Yellow</b>	Yes	<b>Green</b>	<b>Green</b>	<b>Red</b>
<b>Ohio</b>	<b>Green</b>		<b>Yellow</b>	<b>Yellow</b>	<b>Red</b>
<b>Oklahoma</b>	<b>Red</b>		<b>Green</b>	<b>Yellow</b>	<b>Red</b>
<b>Oregon</b>	<b>Green</b>		<b>Yellow</b>	<b>Yellow</b>	<b>Red</b>
<b>Pennsylvania</b>	<b>Yellow</b>		<b>Green</b>	<b>Yellow</b>	<b>Red</b>
<b>Rhode Island</b>	<b>Green</b>		<b>Red</b>	<b>Red</b>	<b>Red</b>
<b>South Carolina</b>	<b>Yellow</b>		<b>Green</b>	<b>Green</b>	<b>Red</b>
<b>South Dakota</b>	<b>Yellow</b>		<b>Yellow</b>	<b>Red</b>	<b>Red</b>
<b>Tennessee</b>	<b>Yellow</b>	Yes	<b>Green</b>	<b>Green</b>	<b>Red</b>
<b>Texas</b>	<b>Yellow</b>		<b>Yellow</b>	<b>Red</b>	<b>Red</b>
<b>Utah</b>	<b>Yellow</b>		<b>Yellow</b>	<b>Yellow</b>	<b>Red</b>
<b>Vermont</b>	<b>Green</b> ♦		<b>Red</b>	<b>Red</b>	<b>Red</b>
<b>Virginia</b>	<b>Green</b>	Yes	<b>Green</b>	<b>Green</b>	<b>Red</b>
<b>Washington</b>	<b>Green</b>		<b>Yellow</b>	<b>Yellow</b>	<b>Red</b>
<b>Washington, D.C.</b>	<b>Red</b>		<b>Green</b>	<b>Yellow</b>	<b>Red</b>
<b>West Virginia</b>	<b>Red</b>		<b>Yellow</b>	<b>Red</b>	<b>Red</b>
<b>Wisconsin</b>	<b>Red</b>		<b>Red</b>	<b>Red</b>	<b>Red</b>
<b>Wyoming</b>	<b>Green</b>	Yes	<b>Yellow</b>	<b>Red</b>	<b>Red</b>

**Methodology**

In grading states for the Report Card, we consulted the legislative and regulatory code for all 50 states, Chicago, and Washington, D.C. We also reviewed the available information from each One-Call Center website to identify voluntary and mandatory practices for stakeholders.

We use the definitions described in the Report Card above for White-Lining, Electronic White-Lining, Positive Response, Electronic Positive Response, and Enhanced Positive Response.

In applying these definitions, we looked to see if the state law, either through legislative or regulatory codes, clearly requires the practice by most or all applicable stakeholders. If the law plainly requires the practice as the default procedure, the state receives a score of green for both meeting our definition and being mandatory.

If the practice exists but is not required, has overbroad exceptions, or only applies to a minority of cases, the state receives a score of yellow.

If the practice is not mentioned in state law in any meaningful or mandatory capacity, the state receives a score of red.

We have provided all relevant state law excerpts in the appendix for transparency in our grading, to invite stakeholders to review our work and their state laws, and for policymakers and state legislators to access direct comparisons they may use to refine and improve their state dig laws. This effort is undertaken to advance excavation safety, protect workers, improve infrastructure reliability, limit economic harm, promote efficiency in infrastructure building, and encourage more innovative technology where possible.

## Appendix A: The Policy-Industry Approach

The damage prevention ecosystem functions within the boundaries of three key frameworks: Law, Regulation, and Stakeholder Leadership.<sup>59</sup> This Report Card takes into consideration each. It means that our first review is the state legislative code – the *dig laws* – in all 50 states. We then look for implementing regulation and regulatory codes (or non-legislative administrative law), which 30 out of 50 states have. Regulations provide further details or requirements for how to fulfill the dig laws. Finally, we discuss certain technological practices of each state’s One-Call center.

Interestingly, some laws are written to require certain baseline standards, but the ball is forwarded to the One-Call center’s court for implementation. For instance, in Alabama, a positive response is required “in accordance with the procedures developed by the ‘One-Call Notification System.’” This type of provision means the One-Call centers can take the lead in setting the standard. They could require as basic of information as submit “completed/marked” or “clear/no conflict” along with a two-digit code, or as advanced as requiring that the positive response be submitted to a virtual platform that is accessible by the excavator and includes hyperlinks and attachments for things like the ticket, digital photographs, virtual facility maps, and manifests (comprising an enhanced positive response). This unique style of legislation highlights the interplay between public policy and industry leadership.

## Appendix B: State Law and Regulatory Excerpts

The excerpts below include relevant legal language to address both physical and electronic white-lining as well as positive response, electronic positive response, and enhanced positive response in all 50 states, Chicago, and Washington, D.C. Bolded text is emphasized by us to highlight certain provisions. In many cases, these point to exceptions that result in a grade of yellow. Bolding is intended as a helpful guide for reading the excerpts but may not capture every relevant word or clause. Additionally, the formatting of each legal text is not always preserved in order to save space, but sections and subsections are retained to provide accurate reference material.

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<sup>59</sup> To be sure, many other structures exist to include contracts, company policies, and market incentives, but these are binding on particular parties and in different ways than broadly applicable state and federal law. This report examines state laws in particular. Stakeholder Leadership here mainly refers to the One-Call centers, a key stakeholder that facilitates much of the process – whereas any given stakeholder leading may not exert binding rules on individual parties, the One-Call center does interact with virtually all parties and the policies and procedures they make act as “rule” stakeholders must follow to effectively participate in the 811 program and damage prevention process.

State	White-Line Excerpt
Alabama	<p><b>37-15-2 (24)</b>  (24) Premark. To delineate the general scope of the excavation on the surface of the ground using white paint, white stakes, or other similar white markings.</p> <p><b>37-15-4 (c)</b>  (c) The notice required by subsection (b) must contain the name, address, and telephone number of the person responsible for the excavation or the demolition and the person giving notice, the proposed starting date and time, the type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition with sufficient details to enable the operator to locate same with reasonable certainty, and whether or not explosives are to be used. <b>In the event the location requirements of this subsection cannot be met, the excavator shall premark the route or boundaries of the site</b> of proposed excavation or demolition by means of white as the identifying color on stakes, flags, paint, buoys, or clearly identifiable materials placed on the surface of the ground or water prior to the notification to the One-Call Notification System. However, premarking is not required when the premarking could reasonably interfere with traffic or pedestrian control.</p> <p><b>37-15-6 (c)</b>  <b>If the excavator elects to mark the proposed excavation or demolition site</b>, 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>
Alaska	
Arizona	<p><b>R14-2-106 (B) (C)</b>  B. Excavators and Underground Facility Owners shall consider use of the color fluorescent pink to be indicative of land survey markings and not location markings for any underground facility. Surveyors may place aerial photogrammetric markings (targets) using the color white, such markings shall have a fluorescent pink dot not less than two inches in diameter placed within one foot of any edge of the aerial marking. Fluorescent pink shall not be used by excavators or underground facility owners. C. Excavators making markings pursuant to Arizona Revised Statute Ann. § 40-360.22.C are required to use the color white.</p> <p><b>§ 40-360.22.C</b>  C. <b>On a timely request by the underground facilities operator, the excavator shall mark the boundaries of the area requested to be excavated</b> in accordance with a color code designated by the commission or by applicable custom or standard in the industry. A request under this subsection for excavator marking does not alter any other requirement of this section.</p>
Arkansas	<p><b>14-271-111 (b)</b>  Unless otherwise agreed by all affected operators, <b>persons engaged in excavation or demolition shall mark the proposed area of work</b> with stakes, flags, posts, or painted or chalked lines that are white in color and are clearly visible.</p>
California	<p><b>Cal Gov Code 4216 (d)</b>  (d) “Delineate” means to mark in white the location or path of the proposed excavation using the guidelines in Appendix B of the “Guidelines for Excavation Delineation” published in the most recent version of the Best Practices guide of the Common Ground Alliance.</p> <p><b>Cal Gov Code 4216.2</b>  (a) <b>Before notifying the appropriate regional notification center, an excavator planning to conduct an excavation shall delineate the area to be excavated.</b> If the area is not delineated, an operator may, at the operator’s discretion, choose not to locate and field mark until the area to be excavated has been delineated.</p>
Colorado	<p><b>9-1.5-103 (4) (2)</b>  <b>If an area of excavation cannot be accurately described on the locate request, the excavator shall notify the owner or operator of the area of excavation</b> using one or more of the following methods:  Physical delineation with white marks on a hard surface area;  Electronic delineation on a map, plan sheet, or aerial photograph that can be transmitted electronically from the excavator to the facility owner or operator through the notification association; or  Scheduling an on-site meeting between the excavator and the owner or operator</p>
Connecticut	<p><b>16-345-5 (i) (7)</b>  (7) White— Designated area of proposed excavation or demolition; and (1) Except as provided in subdivision (2) of this subsection, at least two full days, excluding Saturdays, Sundays and holidays, but not more than thirty (30) days before commencing such excavation or demolition obtain a ticket by notifying the central clearinghouse of:</p> <p><b>16-345-4 (E) (E)</b> The method used to identify or designate the area of proposed excavation or demolition. <b>The excavator or responsible party shall identify and mark the designated area prior to notifying the central clearinghouse;</b></p>

Delaware	
Florida	<p><b>556.102 (14)</b>  (14) “Premark” means to delineate the general scope of the excavation on the surface of the ground using white paint, white stakes, or other similar white markings.</p> <p><b>556.114 (3)</b>  (3) <b>When an excavation site cannot be described</b> in information provided under s. 556.105(1)(a) <b>with sufficient particularity</b> to enable the member operator to ascertain the excavation site, <b>and if the excavator and member operator have not mutually agreed otherwise, the excavator shall premark the proposed area of the excavation</b> before a member operator is required to identify the horizontal route of its underground facilities in the proximity of any excavation. However, premarking is not required when the premarking could reasonably interfere with traffic or pedestrian control.</p>
Georgia	<p><b>25-9-3 (43)</b>  (43) “White lining” means marking the route of the excavation either electronically or with white paint, flags, stakes, or a combination of such methods to outline the dig site prior to notifying the UPC and before the locator arrives on the job.</p> <p><b>25-9-6 (b)</b>  (b) <b>In the event the location</b> upon which the blasting or excavating is to take place <b>cannot be described with sufficient particularity</b> to enable the facility owner or operator to ascertain the precise tract or parcel involved, <b>the person proposing the blasting or excavating shall mark the route or boundary of the site</b> of the proposed blasting or excavating <b>by means of white lining, as practical, or schedule an on-site meeting</b> 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 using 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.</p> <p><b>25-9-11.1</b>  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,  <b>Rule 515-9-4-.14 Georgia Underground Marking Standards</b>  (1) White Lining.  (a) Scope. This Rule shall have statewide application; provided, however, that any municipal or county governing authority in this State may adopt, by resolution or ordinance, more stringent requirements relating to white lining, but no local governing authority may adopt less stringent marking standards requirements.  Section Continues</p>
Hawaii	<p><b>269E-8 (a)</b>  (a) <b>The excavator shall delineate the area to be excavated with white spray chalk or other suitable markings prior to calling the center.</b> The excavator shall indicate the entire dimension of the excavation by known industrial practices and display the excavator's name, abbreviations, or initials next to or in the white spray chalk markings to identify the excavation site.</p> <p><b>Title 6 Chapter 83 Subchapter 1</b>  "Excavator mark" or "premark" means the marks made by an excavator using white spray chalk or other suitable marking that indicates the perimeter of the proposed or continuing excavation.</p> <p><b>Title 6 Chapter 83 Subchapter 4</b>  (b) If an excavator determines that excavator marks using white spray chalk might be misleading, reasonably subject to misinterpretation, or duplicative, the excavator shall inform the one call center that pre-marking of the excavation area is identified using flags, stakes, stake chasers, or a combination of any of these, marked with the excavator's name, company abbreviations, or initials, to the extent that it will enable facility operators to determine the area of proposed excavation.</p>
Idaho	<p><b>55-2205 (1)(a)</b>  (1) Before commencing excavation, <b>the excavator shall:</b>  (a) Comply with other applicable law or permit requirements of any public agency issuing permits;  (b) <b>Pre-mark on-site the path of excavation with white paint or, as the circumstances require, other reasonable means that will set out clearly the path of excavation.</b> An excavator <b>need not pre-mark as required in this subsection if:</b>  (i) The underground facility owner or its agent can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket; or  (ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.</p>
Illinois	<b>(220 ILCS 50/2)</b>



	<p>"Pre-mark" means the use of white paint, chalk, lathe, whiskers, flags, or electronic white lining using lines or polygons to delineate the work area at the site of the proposed excavation or demolition. Unless otherwise stated on the request, all pre-marks are considered a request for a 5-foot radius of an above ground fixed structure or single point pre-mark, or a 10-foot-wide path for linear work.</p> <p>(1) <b>Physical pre-marking for the area of the planned excavation or demolition shall be accomplished prior to notifying JULIE if the area of excavation cannot be clearly and adequately identified in the normal notice request.</b></p> <p>(2) Electronic white lining may be used when available. Electronic white lining provides an alternative method where an excavator may indicate their defined dig area visually by electronic data entry, including lines or polygons, without the need for a physical site visit. The technology allows the excavator to identify for the underground utility facility owner or operator a clear delineation of their proposed excavation area.</p> <p>(3) A verbal or written pre-mark is adequate when the scope requested to be marked is narrow and explicit enough to prevent marking beyond the actual area of excavation or demolition. An existing above ground fixed structure may be referenced as a verbal or written pre-mark.</p> <p><b>(220 ILCS 50/4)</b></p> <p>Sec. 4. Required activities. <b>Every excavator who engages in nonemergency excavation or demolition shall:</b></p> <p>(a) take reasonable action to inform the excavator of the location of any facilities in and near the area for which such operation is to be conducted;</p> <p>(b) plan the excavation or demolition to avoid or minimize interference with facilities within the tolerance zone by utilizing such precautions that include, but are not limited to, hand or vacuum excavation methods to the depth of the proposed excavation or demolition, and visually inspecting the excavation while in progress until clear of the approximate location of the existing marked facility;</p> <p>(c) <b>pre-mark the area of excavation;</b></p> <p>(d) provide notice not less than 2 days but no more than 10 days in advance of the start of the excavation or demolition to the owners or operators of the underground utility facilities at or near the excavation or demolition area through JULIE.</p>
<p><b>Chicago</b></p>	<p><b>10-21-050 (a)</b></p> <p>(a) <b>Every person who engages in non-emergency excavation or demolition shall:</b></p> <p>(1) Take reasonable steps to learn the location of any underground facilities in and near the area where the excavation or demolition will be conducted.</p> <p>(2) Plan the excavation or demolition in a manner designed to avoid or minimize interference with underground facilities by utilizing precautions including, but not limited to, hand or vacuum excavation methods, and visual inspection of the excavation while in progress until clear of the existing marked facility.</p> <p>(3) <b>If needed, physically outline the dig site.</b></p>
<p><b>Indiana</b></p>	<p><b>8-1-26-11.5.</b> "White lining" defined. - As used in this chapter, "white lining" means the act of marking the route or boundary of a proposed excavation or demolition:</p> <p>(1) by means of white paint, flags, or stakes or by electronic means approved by the association; or</p> <p>(2) through a combination of the means described in subdivision (1); before the excavation or demolition.</p> <p><b>8-1-26-16.</b></p> <p><b>each person responsible for the excavation or demolition shall:</b></p> <p>(1) serve notice on the association of the person's intent to excavate or demolish; and</p> <p>(2) <b>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:</b></p> <p>(A) <b>A street address.</b></p> <p>(B) <b>A legal description of the location.</b></p> <p>(C) <b>A highway location using highway mile markers or cross streets.</b></p> <p><b>8-1-26-16 (i)</b></p> <p>(i) A person that:</p> <p>(2) is required to perform white lining under subsection (a)(2); and</p> <p>(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;</p> <p>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><b>Iowa</b></p>	<p><b>480.4 (e)</b></p> <p>e. <b>At the time of giving notice</b> to the notification center pursuant to this subsection, <b>an excavator shall use white paint,</b></p>

	<p>white flags, white stakes, or a combination thereof, to mark the proposed area of excavation, <b>unless one of the following applies:</b></p> <p>(1) The precise location, direction, size, and length of the proposed excavation area can be clearly and adequately defined and described during the call to the notification center or during an onsite preconstruction meeting.</p> <p>(2) Electronic means of white-lining is supported by the notification center and used by the excavator.</p> <p>(3) Physical premarking can be shown to be impractical.</p>
<b>Kansas</b>	<p><b>66-1802 (v)</b> (v) “Whitelining” means the act of marking by the excavator the route or boundary of the proposed excavation site with white paint, white stakes or white flags or identifying such route or boundary by other technology developed for such purposes.</p> <p><b>66-1804 (g)</b> (g) <b>The person filing the notice of intent to excavate shall, at the request of the operator, whiten the proposed excavation site.</b></p> <p><b>82-14-3 (s)</b> (s) Any operator may request that the excavator whiten the proposed excavation site.</p> <p>(t) If the operator requests that the excavator white-line the excavation site, the operator shall have two working days after the whitening is completed to provide the location of the tolerance zone.</p> <p>(u) If the operator requests that the excavator use whitening at the excavation site, the operator shall document the whitening request and any subsequent meetings regarding the facility location for that excavation site. The operator shall maintain records of the whitening documentation for two years after the excavation scheduled start date. The documentation shall include the following:</p> <p>(1) A record stating the name and contact information of the excavator contacted for the request for whitening;</p> <p>(2) verification that both parties understand the description of the excavation site;</p> <p>(3) the agreed-upon excavation scheduled start date; and</p> <p>(4) the date and time of the request for whitening.</p>
<b>Kentucky</b>	<p><b>KRS 367.4909 (9)(k)</b> (k) Proposed excavation or construction boundaries - White 367.4911 (11)</p> <p>(11) <b>Upon request by an operator or when the proposed excavation location cannot be accurately identified, an excavator shall mark the boundaries of the location</b> to be excavated using the procedure set forth in KRS 367.4909(10)(k). After marking the boundaries, the excavator shall contact the protection notification center or centers. The requirements of KRS 367.4909(5) to (11) are reestablished upon the operator receiving notification of this marking from the protection notification center or centers. This marking shall not alter, or relieve the excavator from complying with, the requirements of KRS 367.4905 to 367.4917.</p>
<b>Louisiana</b>	<p><b>40:1749.13. (B)(4)</b> (4) <b>The excavator or demolisher shall provide the specific location for excavation or demolition with either telephonic or electronic notice. Telephonic notice shall require the excavator or demolisher to physically mark the proposed route</b> or area of excavation or demolition using white paint, flags, stakes, or similar means under American Public Works Association guidelines prior to submitting notice.</p> <p><b>§ 40:1749.13. (D)</b> D. For purposes of this Section, any physical markings or electronic drawings identifying a specific location as provided for in Subsection B of this Section shall not exceed the actual area of excavation or demolition.</p>
<b>Maine</b>	<p><b>65-407 Chapter 894 Section 4</b> A. Pre-marking. <b>The excavator shall mark the approximate boundary of a proposed excavation</b> and the excavator’s initials in white, or as otherwise established by the Dig Safe System, <b>prior to notifying the Dig Safe System</b>, as required by Section 4(B). If an excavator uses a single stake or other single point indicator as a pre-mark, the excavator must indicate the radius of the proposed excavation area. Alternative colors, pink or black, may be used by the excavator during snow or ice conditions.</p>
<b>Maryland</b>	
<b>Massachusetts</b>	<p><b>Title 14 Section 40</b> "Premark", to delineate the general scope of the excavation or boring on the paved surface of the ground using white paint, or stakes or other suitable white markings on nonpaved surfaces.</p> <p><b>220 CMR 99.02</b> Premark. To delineate the general scope of the excavation or boring using white (or pink, pursuant to 220 CMR 99.03(2)) paint on the paved surface of the ground, or using flags, stakes,</p>

	<p>or other suitable white (or pink, pursuant to 220 CMR 99.03(2)) marking on non-paved surfaces. Standard Color Code: (g) White – premarks of proposed excavation; 220 CMR 99.03 (2) (1) <b>An excavator shall premark an excavation site before giving notice of the excavation to the Dig Safe Center.</b> (2) When premarking in an area where white marks may interfere with traffic or pedestrian control, or when white marks might otherwise be difficult to see, the excavator may use pink, but must inform the Dig Safe Center so that the notice indicates that pink has been used for Premarking.</p>
Michigan	<p><b>460.723 (ee)</b> (ee) "White lining" means marking by an excavator of the area of a proposed excavation or blasting, with white paint or flags, or both, before giving notice to the notification system. <b>460.725 (13)</b> (13) <b>If the location of a proposed excavation or blasting cannot be described in a manner sufficient</b> to enable the facility owner or facility operator to ascertain the precise tract or parcel involved, <b>an excavator shall provide white lining</b> in advance of submitting a ticket or additional assistance to the facility owner or facility operator on reasonable request to identify the area of the proposed excavation or blasting. <b>R 460.14 (2)(f)</b> (f) Provide white lining if necessary in advance of submitting a ticket to a facility owner or facility operator as required under section 5(13) of the act, MCL 460.725(13).</p>
Minnesota	<p><b>216D.05 (2)</b> <b>An excavator shall:</b> (2) <b>use white markings for proposed excavations except where it can be shown that it is not practical;</b> <b>7560.0350 (1)</b> Excavator duties. When requesting a meet through the notification center, an excavator must provide at least one contact name and telephone number to assist in facilitating the meet. An excavator shall contact the notification center to cancel or reschedule the meet and the notification center shall relay this information to the affected operators. When a meet is requested, an excavator's notice must include the entire geographic area of the proposed excavation and the specific location of the meet. <b>This part does not relieve an excavator from the duty to provide a precise geographic location of the proposed area of excavation, or to use white markings except where it can be shown that to do so is not practical.</b></p>
Mississippi	<p><b>77-13-5 (c)</b> Prior to providing the advance notice to Mississippi 811, Inc., as required by this subsection 1(c), <b>the excavator shall pre-mark the approximate boundary of the proposed excavation area</b> with white paint, flags or stakes. Where an excavator pre-marks the proposed excavation area with a single stake or other single-point indicator, that excavator represents that the proposed excavation area does not exceed fifty (50) feet in any direction from the pre-mark. <b>Pre-marking of the proposed excavation area with white paint, flags or stakes shall not be required if the area can be defined in the advance written, electronic or telephonic notice by a street address, lot and block number, distance from a driveway or street intersection,</b> or by other geographical descriptions more specifically described in the rules and regulations adopted by the Board.</p>
Missouri	<p><b>319.030 (3)</b> 3. <b>If the owner or operator notifies the excavator that the area of excavation cannot be determined from the description</b> provided by the excavator through the notice required by this section, <b>the excavator shall provide clarification of the area of excavation by marking the area</b> with white flags or white paint, or by providing project plans to the owner or operator, or by meeting on the site of the excavation with representatives of the owner or operator as provided for in this section.</p>
Montana	<p><b>69-4-503 (2)(a)</b> (2) <b>An excavator shall provide adequate information to the owners of underground facilities</b> in order to locate and mark the location of underground facilities. (a) Adequate information must allow the person completing the locate to determine the area where the proposed excavation will occur. <b>The information may include but is not limited to marking the path of the proposed excavation with white paint,</b> marking the path of the proposed excavation with white flagging, or other clear marking that allows a person to determine the path of the proposed excavation.</p>
Nebraska	
Nevada	<p><b>455.110 (b)(2)</b> (2) <b>Making a reasonable effort that is consistent with the practice in the industry to mark with white paint,</b> flags, stakes,</p>

	<p>whiskers or another method that is agreed to by the operator and the person who is responsible for the excavation or demolition, the proposed area of the excavation or demolition.</p> <p><b>455.115 (2)</b></p> <p>2. An excavator marking the proposed area of an excavation or demolition pursuant to subsection 1 shall mark in a manner consistent with the marking practices in the industry and shall mark with white:</p> <p>(a) The perimeter of the proposed excavation or demolition; or</p> <p>(b) The centerline and width of the proposed excavation or demolition.</p> <p>3. If an excavator and all the operators of subsurface installations in the affected area of the proposed excavation or demolition agree to identify the proposed area of the excavation or demolition in another manner pursuant to the provisions of subparagraph (2) of paragraph (b) of subsection 1 of NRS 455.110, the excavator shall comply with the terms of that agreement.</p> <p><b>455.135 (2)(b)</b></p> <p>2. If the operator's marks are removed, obliterated, covered or otherwise become disturbed or the excavator has concerns regarding the accuracy and meaning of the operator's marks before or during an excavation or demolition, the excavator:</p> <p>(b) Shall mark the portion of the affected area of the proposed excavation or demolition with white markings, note the areas as remarked and resubmit a notification to the association for operators that requests the operators with subsurface installations in the affected area of the proposed excavation or demolition to mark, confirm existing marks or make replacement marks for the subsurface installations in the re-marked area.</p>
<p>New Hampshire</p>	<p><b>374.51 (4)</b></p> <p>IV. Prior to complying with the notification requirements of paragraph II, an excavator must premark the area as provided in this paragraph, which means identifying the perimeter of the proposed site of the excavation by marking the perimeter in an appropriate manner in the color white paint, stakes, or other suitable white markings on non-paved surfaces.</p> <p><b>Puc 802.14</b></p> <p>"Premark" means identifying the perimeter of the proposed site of an excavation by marking the perimeter in an appropriate manner in white paint, stakes, or other suitable white markings on non-paved surfaces. "Premark" also includes pink markings when winter conditions would render white premarkings not clearly visible.</p> <p><b>PUC 806.02 (f) (g)</b></p> <p>(f) Excavators shall use the color white for the pre-marking of the boundaries of a proposed excavation, except as provided in (g) below.</p> <p>(g) Excavators shall use pink for pre-marking when snow conditions would render white premarking not clearly visible.</p>
<p>New Jersey</p>	<p><b>48:2-82 (c)</b></p> <p>c. Where appropriate to provide clarification, an excavator shall mark and identify the perimeter of the proposed site of the excavation by the color white prior to notifying the One-Call Damage Prevention System of his intent to engage in excavation or demolition.</p> <p><b>14:2-3.2 (b)</b></p> <p>(b) An excavator or responsible contractor shall provide all of the following in its notice to the One-Call center:</p> <p>iii. A description of any white perimeter markings the excavator has made in accordance with (c) below; and/or</p> <p>iv. On large parcels of land where white paint is used, GPS coordinates may be used, in decimal degrees, to further aid in identifying the area of excavation.</p> <p>(c) Where appropriate, to clearly identify the site of a planned excavation or demolition, an excavator or responsible contractor may choose to mark the perimeter of the site in white, prior to notifying the One-Call center. White perimeter marking is encouraged in order to minimize unnecessary marking and locating by the operators, for example to indicate small sites, nonlinear excavations, and spot excavations such as soil borings, mailboxes, sign posts, or tree plantings.</p> <p>(d) The excavator or responsible contractor shall determine the size and shape of the site based on the planned excavation or demolition. In order to avoid unnecessary markouts, the site shall be the minimum size necessary to safely accommodate the planned excavation or demolition.</p> <p>(e) If an excavator chooses to mark the site perimeters pursuant to (c) above, the excavator shall:</p> <ol style="list-style-type: none"> <li>1. Use white paint or other appropriate white marking materials such as white flags or stakes;</li> <li>2. Mark the site boundaries in a manner that is reasonably calculated to enable an operator to determine the site boundaries with sufficient accuracy so that the operator can comply with the markout provisions at N.J.A.C. 14:2-5;</li> <li>3. Ensure that the white perimeter markings do not interfere with traffic or pedestrian control; and</li> <li>4. If multiple excavation or demolition sites are marked in one area, each site shall be numbered, and the excavator shall provide the numbers to the One-Call center.</li> </ol> <p><b>14:2-5.1 (c)</b></p>

	<p>(c) If an excavator has marked the perimeter of a proposed excavation or demolition site with white in accordance with N.J.A.C. 14:2-3.2(c), (d), and (e), an operator shall mark out all of the operator's facilities that lie within the white perimeter marking, and in addition all facilities outside the white perimeter that are within 10 feet of the white marking.</p>
New Mexico	<p><b>62-14-5.1.</b> Uniform color code for location of underground facilities. - In marking an excavation site and the location of underground facilities, both the excavator and the owner or operator shall use the following uniform color code: G. white for proposed excavation area;</p> <p><b>18.60.5.10 (B)(1)</b> (1) An excavator shall determine the maximum area that the excavator can reasonably expect to excavate within a 15 working day period and shall request an excavation locate for that area only. <b>The excavator shall pre-mark the actual intended excavation route or site(s) for any incorporated city, town, or village including extra-territorial zone(s)</b> in accordance with American public works association (APWA) marking guidelines to communicate to facility owners where the actual excavation will take place for standard 15 working day ticket requests only. <b>Outside these incorporated areas, excavators shall provide clear and accurate driving and marking instructions, and either GPS coordinates or pre-marks, as described above,</b> which define the parameters of the proposed excavation.</p> <p><b>18.60.5.10 (C)</b> A locate request shall be deemed incomplete if it does not contain, at a minimum: (1) the name and contact information of the excavator personnel directly involved with or conducting the excavation at the actual excavation site; (2) if available, an alternate name and contact information of the excavator; (3) a description and the purpose of the type of work to be done; (4) the name of the person for whom the work is being done; (5) whether or not the excavation site is pre-marked in white; (6) an accurate physical description of the location and size of the excavation site; reference to a plat of a subdivision shall not by itself be sufficient description;</p> <p><b>18.60.5.13 (a)</b> Pre-marking a site in white indicates the actual excavation site (not limits of construction) and, therefore, will supersede marking instructions provided on locate requests and be used to determine alleged violations during staff investigations. When an excavator fails to pre-mark the actual excavation site, UFOs shall mark per the spotting instructions provided on the locate request and register a positive response indicating the site was not pre-marked.</p>
New York	<p><b>753-3.2 (b)</b> (b) <b>When necessary for adequate identification, or as determined by mutual agreement of the operator and excavator, the excavator shall delineate the work area</b> with white paint, white stakes, or other white suitable markings.</p>
North Carolina	<p><b>87-122 (c) (1)</b> (c) An excavator shall comply with the following: (1) <b>When the excavation area cannot be clearly and adequately identified</b> within the area described in the notice, <b>the excavator shall designate the route,</b> specific area to be excavated, or both by premarking the area before the operator performs a locate. Premarking shall be made with soluble white paint, white flags, or white stakes.</p>
North Dakota	<p><b>49-23-04 (2) &amp; 49-23-04.1 (2)</b> 2. Unless otherwise exempted, <b>the ticket request must include site identification information by one or more of the following means: white marking, digital white lining, project staking, geographic information system shape file, detailed drawing, map, or other means agreed upon by the parties to the ticket. Site identification under this subsection is not required if:</b> a. The <b>precise location of excavation can be clearly and adequately identified on the location notice and is limited to a single street address or a platted lot number of record;</b> b. The precise location of excavation can be clearly and adequately identified on the location notice and the excavation is an emergency excavation; or c. Prior to any excavation, the excavator requests and conducts a meeting with the affected operators at the location of the excavation.</p>
Ohio	<p><b>3781/29 (D)</b> (D) Except as otherwise provided in divisions (E) and (F) of this section, <b>prior to notifying a protection service of the proposed excavation, an excavator shall define and premark the approximate location.</b> Proposed construction or excavation markings shall be made in white through the use of an industry-recognized method such as chalk-based paint, flags, stakes, or other method applicable to the specific site and when possible shall indicate the excavator's identity by name,</p>



	<p>abbreviation, or initial. ...</p> <p>(F) <b>An excavator is not required to premark the approximate location of an excavation as provided in division (D) of this section in any of the following situations:</b></p> <p>(1) The utility can determine the precise location, direction, size, and length of the proposed excavation site by referring to the notification provided by the protection service pursuant to sections 3781.27 and 3781.28 of the Revised Code.</p> <p>(2) The excavator and the affected utility have had an on-site, preconstruction meeting for the purpose of premarking the excavation site.</p> <p>(3) The excavation involves replacing a pole that is within five feet of the location of an existing pole.</p> <p>(4) Premarking by the excavator would clearly interfere with pedestrian or vehicular traffic control.</p>
<b>Oklahoma</b>	
<b>Oregon</b>	<p><b>952-001-0040</b></p> <p>(1) Except as provided in section (2) of this rule, prior to notifying the Oregon Utility Notification Center, <b>an excavator must pre-mark with the color white the immediate area of the proposed excavation</b> within both the public rights-of-way and underground easements.</p> <p>(2) <b>An excavator need not pre-mark as required in section (1) of this rule if:</b></p> <p>(a) The operator can determine precisely the direction, length and location of the proposed excavation by referring to a locate ticket; or</p> <p>(b) Before the beginning of the proposed project, the excavator and the operator met at the construction site to exchange the information required under section (1) of this rule.</p> <p><b>952-001-0070</b></p> <p>(8) Underground facilities must be marked using the following color code:</p> <p>(f) WHITE — Pre-marking of the outer limits of the proposed excavation or marking the centerline and width of proposed lineal installations of buried facilities.</p>
<b>Pennsylvania</b>	<p><b>§ 180. (11)</b></p> <p>Excavators, duties - <b>It shall be the duty of each excavator</b> who intends to perform excavation or demolition work within this Commonwealth:</p> <p>(11) <b>To use the color white to mark a proposed excavation work site when exact work site information cannot be provided.</b></p>
<b>Rhode Island</b>	<p><b>39-1.2-7. (b)</b></p> <p>(b) Prior to notifying the association, <b>any excavator must premark the area of proposed excavation</b> in a manner that will enable the owner of the public utility facilities to identify the boundaries of the proposed excavation activities, except that <b>premarking shall not be required if the proposed excavation will be continuous and exceed five hundred feet (500') in length, or if such marks may reasonably interfere with traffic or pedestrian control</b> or are misleading to the general public.</p> <p><b>39-1.2-7 (d)</b></p> <p>(d) For the purposes of this chapter, the approximate location of underground utility facilities shall be marked with stakes, paint, or other physical means as may be necessary to ensure a distinctive mark. The public utility shall follow the color coding prescribed in this section</p> <p>Premark - White</p>
<b>South Carolina</b>	<p><b>58-36-60 (E)</b></p> <p>(E) An excavator must comply with the following:</p> <p>(1) <b>When the excavation site cannot be clearly and adequately identified</b> within the area described in the notice, <b>the excavator must designate the route</b>, specific area to be excavated, or both, by pre-marking before the operator performs a locate. Premarking must be made with white paint, flags, or stakes.</p>
<b>South Dakota</b>	<p><b>20:25:03:04 (8)</b></p> <p>The following information is required to be provided by the excavator when a routine locate request is submitted:</p> <p>(8) A precise description of the specific excavation area within each location by:</p> <p>(a) <b>Providing the perimeter of the excavation site or the length and direction of the excavation route in reference to the exact distance and direction from known points of reference on or near the excavation site; <u>or</u></b></p> <p>(b) <b>Marking the perimeter of the excavation area or the length and direction of the proposed excavation route by means of white paint or flags; <u>or</u></b></p> <p>(c) Requesting to meet the facility operators when it is impractical to utilize item a or b above and to inform the facility operators, in writing, of the extent and work schedule of the proposed excavation.</p>

Tennessee	<p><b>65-31-102 (10)</b>  (10) “Electronic white lining” means the application of a visual indicator to a digital or virtual map marking the boundaries of the area of proposed excavation or the area of ongoing excavation;</p> <p><b>65-31-106 (b)</b>  The person responsible for the excavation or demolition <b>shall designate the location of the proposed area of excavation or demolition by marking the area</b>, consistent with the marking standards established by the rules adopted pursuant to § 65-31-108(a), with “safety white” color-coded stakes, with white paint, or by electronic white lining, <b>unless:</b></p> <p>(1) The operator or its agent can determine the precise location of the proposed area of excavation based solely on the street address from a one-call service locate ticket because of the size of the property;</p> <p>(2) The operator or its agent can determine the precise location of the proposed area of excavation from a one-call service locate ticket that references a driveway or other easily identifiable point on the property and that identifies the property by street address or block and lot number;</p> <p>(3) The operator or its agent can determine the precise location of the proposed area of excavation from a one-call service locate ticket that identifies the property as being located on a street or road between two (2) designed intersections of the street or road and two (2) cross streets or roads when a street address or block and lot number is unavailable or does not apply; or</p> <p>(4) The person responsible for the excavation or demolition and all operators with underground facilities in the proposed area of excavation have had a meeting prior to the beginning of the excavation or demolition for the exchange of information on the location of the proposed excavation or demolition.</p>
Texas	<p><b>Section 18.2 (24)</b>  (24) White-lining--An excavator's designation on the ground of the area to be excavated using white paint, white flags, white stakes, or any combination of these.</p> <p><b>Section 18.3 (c)</b>  (c) <b>When an excavation site cannot be clearly identified and described on a line locate ticket, the excavator shall use white-lining</b> to mark the excavation area prior to giving notice to the notification center and before the locator arrives on the excavation site.</p> <p>(d) If an excavation project is too large to mark using white-lining or is so expansive that a full description cannot be provided on a line locate ticket, then the operator and the excavator shall conduct a face-to-face meeting to discuss the excavation activities and to establish protocols for:</p> <p><b>Section 18.4 (d)</b>  (d) Prior to excavation, an excavator shall verify that it is at the correct location as specified on the locate ticket; shall verify white-lining; and, to the best of the excavator's ability, shall make a visual check for any unmarked underground pipelines.</p>
Utah	<p><b>54-8a-4 (3)</b>  (3) <b>If the proposed excavation’s anticipated location and dimensions cannot be described</b> as required under Subsection (2)(c) or as requested in accordance with Subsection 54-8a-5(2)(b), <b>an excavator shall outline the proposed excavation site</b> using as a guideline the then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by the Common Ground Alliance, as amended in the current version of the excavators’ guide published by the statewide association established in Section 54-8a-9.</p>
Vermont	<p><b>7001 (10)</b>  (10) “Premark” means to identify the general scope of excavation activities using white paint, stakes, or other suitable white markings, in a manner that will enable the operators of the underground utility facilities to know the boundaries of the proposed excavation activities.</p> <p><b>7004. Notice of excavation activities</b> - (a) <b>No person or company shall engage in excavation activities, except in an emergency situation as defined by the Commission, without premarking the proposed area of excavation activities</b> and giving notice as required by this section.</p> <p>(b) Prior to notifying the System, the person shall premark the area of proposed excavation activities in a manner that will enable operators of underground facilities to identify the boundaries of the proposed excavation activities.</p>
Virginia	<p><b>56-265.17. (E)</b>  E. <b>If a specific location of the excavation cannot be given</b> as required by subdivision 2 of § 56-265.18, prior to notifying the notification center pursuant to subsection A, <b>the person proposing to excavate or demolish shall mark the route or boundary of the site</b> of the proposed excavation or demolition by means of white paint, if practical.</p> <p><b>56-265.18. (2)</b>  <b>Every locate request</b> and designer notice served by any person on the notification center <b>shall contain the following information:...</b></p> <p>2. <b>The specific location of the proposed excavation or demolition. If a specific description of the location of the</b></p>

	<p>excavation cannot be given, the person proposing to excavate or demolish shall comply with subsection E of § 56-265.17.</p> <p><b>20VAC5-309-190 (A)</b></p> <p>A. Any person, as defined in § 56-265.15 of the Code of Virginia, submitting a locate request shall clearly describe the limits of the proposed excavation or demolition with sufficient detail to enable the operators to ascertain the location of the proposed excavation. The specific location of the proposed excavation or demolition may include:</p> <ol style="list-style-type: none"> <li>1. <b>GPS coordinates</b> taken at a single point where work is planned or GPS coordinates taken to delineate a line, multi-segment line, or polygon. When providing a single point, line, or multi-segment line, the person providing notice shall include an area measured in feet from the coordinates that describe the work area. If a polygon is used, the proposed work area shall be inside the polygon. GPS nomenclatures used for providing coordinates to the notification center shall be as approved by the advisory committee.</li> <li>2. <b>White lining</b> to delineate the area where excavation will take place. For single point excavation, the area shall be marked using dots, dashes, or white flags to show the operators the area of excavation. If utility markings are desired outside a white lined area, the excavator shall provide clear instructions, to include the distance in feet outside the white lined area, to the notification center. For continuous excavations, such as trenching and boring, the excavator shall mark the center line of excavation by the use of dots or dashes. The excavation width, in feet, shall be indicated on either side of the center line in legible figures or noted in the marking instructions given to the notification center.</li> <li>3. <b>White lining performed by electronic means using aerial imagery.</b> White lining performed by electronic means shall follow the same requirements as listed in subdivision 2 of this subsection. of information on the location of the proposed excavation or demolition.</li> </ol>
Washington	<p><b>19.122.030. (1)(a)</b></p> <p>Excavator and facility operator duties before excavation. - (1)</p> <p>(a) Unless exempted under RCW 19.122.031, <b>before commencing any excavation, an excavator must mark the boundary of the excavation area with white paint</b> applied on the ground of the worksite, then provide notice of the scheduled commencement of excavation to all facility operators through a one-number locator service.</p> <p><b>19.122.031.</b></p> <p>Exempted activities. - (1) <b>The requirements specified in RCW 19.122.030 do not apply to any of the following activities:</b></p> <ol style="list-style-type: none"> <li>(a) An emergency excavation, but only with respect to boundary marking and notice requirements specified in RCW 19.122.030 (1) and (2), and provided that the excavator provides notice to a one-number locator service at the earliest practicable opportunity;</li> <li>(b) An excavation of less than twelve inches in depth on private noncommercial property, if the excavation is performed by the person or an employee of the person who owns or occupies the property on which the excavation is being performed;</li> <li>(c) The tilling of soil for agricultural purposes less than: <ol style="list-style-type: none"> <li>(i) Twelve inches in depth within a utility easement; and</li> <li>(ii) Twenty inches in depth outside of a utility easement;</li> </ol> </li> <li>(d) The replacement of an official traffic sign installed prior to January 1, 2013, no deeper than the depth at which it was installed;</li> <li>(e) Road maintenance activities involving excavation less than six inches in depth below the original road grade and ditch maintenance activities involving excavation less than six inches in depth below the original ditch flowline, or alteration of the original ditch horizontal alignment;</li> <li>(f) The creation of bar holes less than twelve inches in depth, or of any depth during emergency leak investigations, provided that the excavator takes reasonable measures to eliminate electrical arc hazards; or</li> <li>(g) Construction, operation, or maintenance activities by an irrigation district on rights-of-way, easements, or facilities owned by the federal bureau of reclamation in federal reclamation projects.</li> </ol>
Washington, D.C.	
West Virginia	<p><b>§ 24C-1-6.</b></p> <p>Standard color code for temporary markings. - Temporary marking provided by operators and excavators to indicate the approximate location of underground facilities and work site boundaries shall utilize the following color code per facility type:</p> <p>(1) WHITE: Proposed excavation.</p>
Wisconsin	
Wyoming	<p><b>37-12-302 (m)</b></p> <p>(m) Unless an exception in this subsection is applicable, <b>an excavator shall mark the location of the area or path of</b></p>

**excavation before the arrival of an operator or agent of an operator** to locate their underground facility. The obligations of an operator specified by W.S. 37-12-302(d) shall not apply until an excavator has complied with the requirements of this subsection. **Markings may include stakes, flags, marking whisksers, white paint, signage, electronic white lining on digital mapping or any other identifiable marking that clearly marks the location of the area or path of excavation,** provided that any marking used cannot be confused with the accepted American National Standards Institute Standard Z535.1 safety color code. An excavator need not premark the location as required by this section if any of the following apply:

- (i) There is only one (1) operator with underground facilities in the proposed excavation area and the operator or the operator's agent can determine the location of the area or path of excavation by street address, lot number, global positioning system, latitude and longitude coordinates, mapping or other method agreed to by the excavator and operator;
- (ii) The excavator and operator had a meeting at the proposed excavation area before beginning the proposed excavation and exchanged the information on the location of the area or path of excavation as specified in paragraph (i) of this subsection;
- (iii) The proposed excavation is of an emergency nature;
- (iv) A different method of locating or defining the area or path of excavation has been agreed to by the excavator and all operators within the proposed excavation area.

State	Positive Response Excerpts
Alabama	<p><b>37-15-2 (23)</b>  (23) Positive response. The communication among member operators, persons excavating and the “One-Call Notification System” concerning the status of locating an underground facility.</p> <p><b>37-15-6 (4) (d)</b>  (d) <b>Each operator, upon determining that no underground facility is present</b> on the tract or parcel of land <b>or upon completion of the marking of the location of any underground facilities on the tract or parcel of land shall provide a positive response with information to the “One-Call Notification System”</b> in accordance with the procedures developed by the “One-Call Notification System”.</p> <p>(e) The requirement for providing a positive response shall become effective January 1, 2021.</p> <p>(f) Any contract locator acting on behalf of an operator is subject to this section.</p> <p><b>§ 37-15-6 (a)(4)</b>  (4) 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>
Alaska	<p><b>Alaska Stat. § 42.30.410 - (b)</b> When <b>an underground facility operator</b> receives a request to locate, it <b>shall notify the excavator of the location of the underground facilities that the operator is able to field mark</b> with reasonable accuracy <b>and field mark those facilities</b>. If the operator owns, uses, or operates an underground facility that is identified as being in the area of the proposed excavation but that the operator cannot field mark with reasonable accuracy, <b>the operator shall provide the excavator with the best information available to the operator about its location</b> and shall provide on-site assistance until the facility is located or until the excavator no longer needs assistance in locating that facility.</p>
Arizona	<p><b>40-360.22 (B)</b>  B. Except as otherwise provided in this subsection, upon receipt of the excavator’s inquiry, the underground facilities operator shall respond as promptly as practical, but in no event later than two working days, by carefully marking such facility with stakes or paint or in some customary manner. A landlord shall respond in the same manner and as promptly as practical, but in no event later than ten working days. <b>No person shall begin excavating before the location and marking are complete or the excavator is notified that marking is unnecessary</b>. If the excavator consents, <b>an underground facilities operator may notify a one-call notification center that marking is unnecessary</b> pursuant to a method established by the one-call notification center. An underground facilities operator may assign any marking or notification obligations required by this subsection to an agent or servant of the underground facilities operator. An underground facilities operator may notify the excavator that marking is unnecessary pursuant to any mutually agreeable method.</p> <p><b>Arizona Revised Code §40-306.22(I)</b>  If an underground facilities operator is unable to complete the location and marking within the time period provided by subsection B of this section, the facilities operator shall satisfy the requirements of this section by providing prompt notice of these facts to the excavator and assigning one or more representatives to be present on the excavation site at all pertinent times as requested by the excavator to provide facility location services until the facilities have been located and marked or the excavator is notified that marking is unnecessary pursuant to any mutually agreeable method. A person that receives notice from the underground facilities operator of these facts shall not begin excavating before the underground facilities operator has completed marking the underground facility or the excavator is notified that marking is unnecessary. Except as provided in subsection J of this section, the underground facilities operator shall bear all of its own expenses associated with assigning representatives.</p>
Arkansas	<p><b>§ 14-271-110 (a)(2)(A)</b>  (2) (A)  (i) Unless otherwise agreed to in writing between the excavator and the operator or contract locator, within two (2) working days after notification from the One Call Center, starting the working day after the notification of intent to excavate is received, the operator or contract locator shall identify the approximate location of the facilities by field-marking on the surface by paint, dye, stakes, or any other clearly visible marking which designates the horizontal course of the facilities.  (ii) For the purpose of measuring working days, the working day starts at 7:00 a.m. on each business day.</p> <p><b>§ 14-271-110 (a)(4)(A)</b>  (A) <b>The operator shall provide an electronic positive response to the One Call Center</b> before the expiration of the time provided in subdivision (a)(2)(A) of this section.</p>



	<p>(B) <b>The response required under subdivision (a)(4)(A) of this section shall indicate whether or not and to what extent the operator is able to provide the information required</b> by subdivision (a)(2)(A) of this section to respond to the notice from the excavator.</p>
California	<p><b>Cal Gov Code § 4216</b>  (e) “Electronic positive response” means an electronic response from an operator to the regional notification center providing the status of an operator’s statutorily required response to a ticket.  <b>Cal Gov Code § 4216.3 (1) (1) (A)</b>  (A) Unless the excavator and operator mutually agree to a later start date and time, or otherwise agree to the sequence and timeframe in which the operator will locate and field mark, an operator shall do one of the following before the legal excavation start date and time:  (i) Locate and field mark within the area delineated for excavation and, where multiple subsurface installations of the same type are known to exist together, mark the number of subsurface installations.  (ii) To the extent and degree of accuracy that the information is available, provide information to an excavator where the operator’s active or inactive subsurface installations are located.  (iii) Advise the excavator it operates no subsurface installations in the area delineated for excavation.  <b>Cal Gov Code § 4216.3 (c) (1) (A)</b>  (A) On and after January 1, 2021, <b>every operator shall supply an electronic positive response through the regional notification center before the legal excavation start date and time.</b> Upon a showing of good cause by an operator, the board may extend the time by which the operator is required to comply with this requirement. The board shall not grant an extension beyond December 31, 2021. The board shall determine which facts or circumstances constitute good cause. (B) The regional notification center shall make the responses required by subparagraph (A) available to the excavator. (2) The regional notification centers shall annually report to the board regarding their continual technological development in their roles of facilitating communication between excavators and operators in a manner that enhances safety, accountability, and efficiency.</p>
Colorado	<p><b>§ 9-1.5-103 (4)(a)(I)</b>  <b>The documentation required by this subsection (4)(a)(i) shall be provided to the excavator through the notification association</b> and must meet or exceed any quality standards established by the Safety Commission pursuant to section <b>§ 9-1.5-103. (6)(B)(1)</b>  (1)Any owner or operator receiving notice pursuant to subsection (3) of this section shall, at no cost to the excavator and within two business days, not including the day of actual notice, use reasonable care to advise the excavator of the location, number, and size of any underground facilities in the proposed excavation area, including laterals in the public right-of-way, by marking the location of the facilities with clearly identifiable markings within eighteen inches horizontally from the exterior sides of the facilities.... The documentation required by this subsection (4)(a)(I) shall be provided to the excavator through the notification association and must meet or exceed any quality standards established by the safety commission pursuant to section 9-1.5-104.2  <b>9-1.5-104.2 (1)(a)(I).</b>  <b>In addition to the markings, the owner or operator shall provide for each of its underground facilities: Documentation listing the owner's or operator's name and the size and type of each marked underground facility; and Documentation of the location of the underground facilities in the form of a digital sketch, a hand-drawn sketch, or a photograph</b> that includes a readily identifiable landmark, where practicable.  <b>9-1.5-104.2 (4)</b>  4. Any owner or operator receiving notice concerning an excavator's intent to excavate shall use reasonable care to advise the excavator of the absence of any underground facilities in the proposed excavation area <b>by providing positive response documentation to the excavator through the notification association that no underground facilities exist in the proposed excavation area.</b> An owner or operator shall, within the time limits specified in subsection (6) of this section, provide to the excavator evidence, if any, of underground facilities abandoned after January 1, 2001, known to the owner or operator to be in the proposed excavation area.  <b>9-1.5-104.2 (6.5)</b>  (6.5) If positive response required pursuant to subsection (4) of this section is not provided by the owner or operator within two business days, not including the day of actual notice, or by a later time as otherwise agreed upon in writing, the notification association shall send an additional renotification to that owner or operator. The notification association shall continue to send out renotifications daily until the notification association receives the positive response.</p>
Connecticut	<p><b>16-350</b>  The public utility receiving notice shall mark the approximate location of its underground facilities in such manner and using such methods, including color coding, as the authority may prescribe by regulations adopted pursuant to section 16-357 . If the</p>

	<p>actual location of the underground facilities cannot be established, the person, public agency or public utility shall so notify the public utility whose facilities may be affected, which shall provide such further assistance as may be needed to determine the actual location of the underground facilities in advance of the proposed excavation, discharge of explosives or demolition.</p> <p><b>16-345-3 (11)(b)(1)(A)</b></p> <p>(A) Except for an area of continual excavation, in the event that the public utility determines that it has underground facilities in the designated area, mark the approximate location of such facilities using commercially available advanced proven techniques, methods and equipment appropriate to the circumstances, in accordance with section 16-345-5 of the Regulations of Connecticut State Agencies, in such a manner that will enable the excavator to establish the actual location of the underground facilities so marked, or if it is not practical to so mark the location of such facilities, identify the approximate location of such facilities in a manner mutually agreeable to the public utility and the excavator.</p> <p>(C) <b>In the event that the public utility determines that it has no underground facilities in the designated area, make reasonable effort to so inform the excavator and document such efforts, or mark this information</b> in accordance with subsection (l) of section 16-345-5 of the Regulations of Connecticut State Agencies; and</p>
<p style="text-align: center;"><b>Delaware</b></p>	<p><b>§ 803 - (4)</b></p> <p><b>It shall be duty of each operator:</b></p> <p>(4) To respond to requests from an excavator or operator who identifies the site of excavation or demolition, or proposed excavation or demolition, for information as to the approximate location and type of the operator’s utility lines in the area, not more than 2 working days after receipt of such requests.</p> <p>(5) <b>To inform excavators or operators who identify the site of excavation</b> or demolition, or proposed excavation or demolition, not more than 2 working days after receipt of a request therefor, <b>of the following:</b></p> <p>a. <b>If it is determined by an operator that a proposed excavation or demolition is planned within 5 feet of a utility line</b> as measured in the horizontal plane and that the utility line may be damaged, <b>the operator shall notify the person who proposes to excavate or demolish and shall physically mark</b> the horizontal location of the utility line within 18 inches of the utility line on the ground by means of stakes, paint or other suitable means within 2 working days after the request. <b>The operator shall also notify the person who proposes to excavate or demolish as to the size of the utility line, the type of temporary marking provided and how to identify the markings.</b> In the case of extraordinary circumstances, if the operator cannot mark the location within 2 working days, the operator shall, upon making such determination, notify the person who proposes to excavate or demolish and shall, in addition, notify the person of the date and time when the location will be marked;</p> <p>b. The cooperative steps which the operator may take, either at or off the excavation or demolition site, to assist in avoiding damage to its lines;</p> <p>c. Suggestions for procedures that might be followed in avoiding such damage;</p> <p>d. <b>If the operator has no utility line within 5 feet of the proposed excavation</b> or demolition as measured in the horizontal plane and if a proposed excavation or demolition by blasting is not planned in such proximity to the operator’s utility lines that the utility lines may be damaged, <b>the operator shall advise the person who proposes to excavate or demolish that marking is unnecessary and that the person may therefore begin the excavation or demolition;</b></p> <p><b>§ 803 - (8)</b></p> <p>(8) Upon receipt of a request pursuant to paragraphs (4), (5), (6) and/or (7) of this section to assign such request an identifying number (which may be the same as the number assigned by the approved notification center in accordance with § 807(b)(5) of this title), inform the requestor of such number and maintain a record showing the name, address and telephone number of the requestor, the site to which the request pertains and the identifying number assigned to the request.</p>
<p style="text-align: center;"><b>Florida</b></p>	<p><b>556.102</b></p> <p>(13) “Positive response” means the communications among member operators, excavators, and the system concerning the status of locating an underground facility.</p> <p><b>556.105 (1)(a)</b></p> <p>(1)(a) Not less than 2 full business days before beginning any excavation or demolition that is not beneath the waters of the state, and not less than 10 full business days before beginning any excavation or demolition that is beneath the waters of the state, <b>an excavator shall provide the following information through the system:</b></p> <p>2. The name and telephone number of the representative for the excavator, and <b>a valid electronic address to facilitate a positive response</b> by the system should be provided, if available.</p> <p><b>556.105 (9)(a)</b></p> <p>(9)(a) After receiving notification from the system, <b>a member operator shall provide a positive response to the system within 2 full business days, or 10 such days for an underwater excavation or demolition, indicating the status of operations to protect the facility.</b></p>

	<p>(b) The system shall establish and maintain a process to facilitate a positive-response communication between member operators and excavators. The system is exempt from any requirement to initiate a positive response to an excavator when an excavator does not provide a valid electronic address to facilitate a positive response by the system.</p> <p>(c) An excavator shall verify the system’s positive responses before beginning excavation. If an excavator knows that an existing underground facility of a member operator is in the area, the excavator must contact the member operator if the facility is not marked and a positive response has not been received by the system.</p> <p><b>556.105 (5) (a)</b>  ...If the member operator is unable to respond within such time, the member operator shall communicate with the person making the request and negotiate a new schedule and time that is agreeable to, and should not unreasonably delay, the excavator.</p> <p><b>556.105 (7) (a)</b>  A member operator that states that it does not have accurate information concerning the exact location of its underground facilities ... shall provide the best available information to the excavator in order to comply with the requirements of this section.</p>
<p><b>Georgia</b></p>	<p><b>25-9-3. (31)</b>  (31) “Positive response information system” or “PRIS” means the automated information system operated and maintained by the UPC at its location that allows excavators, locators, facility owners or operators, and other affected parties to determine the status of a locate request or a design locate request.</p> <p><b>25-9-6. (a)</b>  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 submitted a locate request to the UPC that provides appropriate notice. Any person performing excavation is responsible for being aware of all information timely entered into the PRIS prior to the commencement of excavation.</p> <p><b>25-9-7. (c)</b>  (c) <b>Each facility owner or operator, either upon determining that no underground facility or sewer lateral is present on the tract or parcel of land or upon completion of the designation of the location of any underground facilities or sewer laterals on the tract or parcel of land as required by subsection (a) or (b) of this Code section, shall provide such information to the UPC in accordance with procedures developed by the UPC, which may include the use of the PRIS.</b> In no event shall such information be provided later than midnight of the business day prior to the effective date of the locate request submitted in accordance with Code Section 25-9-6.</p> <p>(d) In the event the facility owner or operator is unable to designate the location of the underground facilities or sewer laterals due to extraordinary circumstances, such 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. The UPC shall also have the ability to declare extraordinary circumstances on behalf of any or all operators if the UPC is unable to transmit locate requests as required by this statute.</p> <p><b>Rule 515-9-4-.11.1 (c)</b>  (c) "Refusal to comply" means that an underground facility owner or operator does not respond in the Positive Response Information System ("PRIS") to a locate request, does not respond to a direct telephone call to locate their facilities, or other such direct refusal.</p> <p><b>Rule 515-9-4-.14 (2)(a)</b>  (a) "No conflict" with the excavation should only be communicated by facility owners through the Positive Response Information System (PRIS). <b>No marks or messages with paint or stakes should be left at the proposed excavation if there is no conflict.</b></p>
<p><b>Hawaii</b></p>	<p><b>§6-83-3</b>  <b>"Positive response" means the process whereby a facility operator:</b>  (1) <b>notifies the center within the time period set by statute or rule, that it has marked, flagged, staked, or indicated by any acceptable method available to the operator under section 269E-9, HRS, the approximate location of its subsurface installation in the area of a dig site; and</b>  (2) <b>the center then promptly makes available to the excavator the action taken by the facility operator.</b></p> <p><b>§6-83-46</b>  Response of facility operator upon receipt of notification; positive response.</p>

	<p>(a) <b>Upon receipt of a notification of proposed excavation from the center, a facility operator shall respond within five working days</b>, as defined by chapter 269E, HRS, and these rules, of that notification, or before the start of the excavation work, whichever is later, or at a later time mutually agreeable to the facility operator and the excavator, <b>by:</b></p> <p>(1) Advising the excavator that the facility operator does not operate any subsurface installations that may be affected by the excavation;</p> <p>(2) Advising the excavator of the approximate location of the facility operator's subsurface installations that may be affected by the excavation to the extent and degree of accuracy that the information is available in the records of the facility operator;</p> <p>(3) <b>Make available to the excavator, for inspection and copying at the excavator's expense, information in that specific facility operator's or agency's records on the approximate location of that specific facility operator's or agency's subsurface installations</b> that may be affected by the excavation to the extent and degree of accuracy that the information is available in that specific facility operator's or agency's records; or</p> <p>(4) Locating and field marking in conformance with the APWA color code the approximate location and the number of subsurface installations that may be affected by the excavation to the extent and degree of 13 2982 accuracy that the information is available as determined through the use of standard locating techniques or based on the records of the facility operator.</p> <p>(b) <b>The facility operator shall promptly notify the center by facsimile, e-mail, telephone, or the one call center computerized positive response system available on the worldwide web, of the action the facility operator has taken.</b></p> <p>(c) <b>All facility locate requests will result in a positive response from the facility operator to the one call center. A positive response may include one or more of the following: markings or documentation left at the job site, callback, fax, or automated response system, to notify the one call center.</b></p> <p><b>§ 269E-9.</b></p> <p>(a) Any operator who receives timely notification from the center of any proposed excavation work pursuant to section 269E-7(b) shall within five working days of that notification or before the start of the excavation work, whichever is later, or at a later time mutually agreeable to the operator and the excavator:</p> <p>(1) Advise the excavator that the operator does not operate any subsurface installations that may be affected by the excavation;</p> <p>(2) Advise the excavator of the approximate location of the operator's subsurface installations that may be affected by the excavation to the extent and degree of accuracy that the information is available in the records of the operator;</p> <p>(3) Make available to the excavator, for inspection and copying at the excavator's expense, information in that specific operator's or agency's records on the approximate location of that specific operator's or agency's subsurface installations that may be affected by the excavation to the extent and degree of accuracy that the information is available in that specific operator's or agency's records; or</p> <p>(4) Locate and field mark in conformance with the American Public Works Association Uniform Color Code the approximate location and the number of subsurface installations that may be affected by the excavation to the extent and degree of accuracy that the information is available as determined through the use of standard locating techniques or based on the records of the operator.</p> <p><b>The operator shall promptly notify the center when the operator has fulfilled the requirements of this section. After receiving this notification from all affected operators, the center shall promptly provide notice to the excavator that all affected operators have fulfilled the requirements of this section.</b></p>
<p><b>Idaho</b></p>	<p><b>55-2205 (2)</b></p> <p>(2) Upon receipt of the notice provided for in this section, <b>the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities with reasonable accuracy</b>, as defined in section 55-2202, Idaho Code, by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties.</p>
<p><b>Illinois</b></p>	<p><b>(220 ILCS 50/5.1)</b></p> <p>(a) Beginning January 1, 2026, an excavator shall confirm through the positive response system prior to excavation or demolition that all underground utility facility owners or operators that are identified on the notice have provided a status update, responded, or marked or provided an all-clear notification.</p> <p>(b) Beginning January 1, 2026, <b>an underground utility facility owner or operator shall respond through the positive response system by the dig start date and time on the notice with an appropriate and accurate system code.</b> A minimal</p>

	<p>delay not to exceed one hour or when the marking of the facilities is complete, whichever is longer, in reporting a system code in response to an emergency request shall not be a violation of this Section.</p>
<b>Chicago</b>	<p><b>§10-21-060 (a)</b>  (a) Once 811 Chicago notifies an owner or operator of an underground facility of a planned excavation or demolition, the persons who own or operate underground facilities in or near the excavation or demolition area, or any underground location service retained for the task, shall retain a written or digital record of the notice, and shall mark, within 48 hours of receipt of the notice, or by the requested date and time indicated on the notice, whichever is later, the approximate location of such underground facility. A mismarked facility shall be a violation of this requirement.</p> <p><b>§10-21-060 (c)</b>  (c) <b>If a person who owns or operates an underground facility receives a notice under this section but does not own or operate any underground facilities within the proposed excavation or demolition area described in the notice, that person, within 48 hours after receipt of the notice or by the requested date and time indicated on the notice, whichever is later, shall so notify 811 Chicago.</b> Notice to 811 Chicago from a facility owner that it does not own facilities at the site of the proposed excavation or demolition shall count as a marked facility.</p>
<b>Indiana</b>	<p><b>8-1-26-18. (b)</b>  (b) Subject to subsection (m), <b>an operator to which the association provides a notice of intent under section 16 of this chapter shall do the following:</b></p> <p>(1) Supply to the person responsible for the excavation or demolition the following information:  (A) 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.  (B) The location and description of all facility markers indicating the approximate location of the underground facilities.  (C) 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.</p> <p>(2) <b>Provide to the association an electronic positive response.</b></p> <p>(c) <b>An operator that receives a notice of intent under section 16 of this chapter and that has underground facilities in the location of the proposed excavation or demolition shall provide an electronic positive response to the association, in the manner prescribed by the association, when the operator has provided the marking information required by this chapter. The association shall provide an operator's electronic positive response under this subsection to the person responsible for the excavation or demolition...</b></p> <p>(g) <b>An operator to which the association provides a notice of intent 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 and that has no underground facilities in the location of the proposed excavation or demolition shall, not later than:</b></p> <p>(1) 7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after receiving the operator receives the notice of intent; or  (2) the starting date and time of the excavation or demolition stated in the notice of intent;  <b>whichever is later, provide an electronic positive response to the association indicating that the operator has no underground facilities in the location of the proposed excavation or demolition. The association shall provide the operator's electronic positive response to the person responsible for the excavation or demolition.</b></p> <p><b>170 IAC 5-5-2.3</b>  (a) An operator of a pipeline facility shall provide an affirmative electronic response to the association in the manner directed by the association when the operator has provided the marking information in response to an 811 ticket.  (b) The association shall make available the operator's response under subsection (a) to the person responsible for the excavation or demolition.  (c) An operator of a pipeline facility that does not provide the affirmative response required under subsection (a) violates IC 8-1-26-18(h)(1). IFIC 8-1-26-18(h) otherwise applies, the operator is subject to the penalty specified in IC 8-1-26-18(h).</p>
<b>Iowa</b>	<p><b>480.4 (3)(a)(1)</b>  An operator who receives notice from the notification center shall mark the horizontal location of the operator's underground facility and the excavator shall use due care in excavating in the marked area to avoid damaging the underground facility. <b>The operator shall complete such locating and marking, and shall notify the notification center that the marking is complete</b> within forty-eight hours after receiving the notice, excluding Saturdays, Sundays, and legal holidays, unless otherwise agreed by the operator and the excavator. No later than the expiration of the forty-eight-hour period, excluding Saturdays, Sundays, and legal holidays, <b>the notification center shall notify the excavator of the underground facility locating and marking status, or the failure of the operator to notify the center that the locating and marking is</b></p>



	<p><b>complete.</b> The locating and marking of the underground facilities shall be completed at no cost to the excavator. If, in the opinion of the operator, the planned excavation requires that the precise location of the underground facilities be determined, the excavator, unless otherwise agreed upon between the excavator and the operator, shall hand dig test holes to determine the location of the facilities unless the operator specifies an alternate method.</p> <p>480.4 (3)(a)(3)(b)</p> <p><b>b. An operator who receives notice from the notification center and who determines that the operator does not have any underground facility located within the proposed area of excavation shall notify the notification center concerning this determination</b> within forty-eight hours after receiving the notice, excluding Saturdays, Sundays, and legal holidays. No later than the expiration of the forty-eight-hour period, excluding Saturdays, Sundays, and legal holidays, the notification center shall notify the excavator that the operator does not have any underground facilities within the proposed area of excavation.</p>
<p><b>Kansas</b></p>	<p><b>66-1806 (a)</b>  Except as provided by subsection (j), beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitelined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.</p> <p><b>66-1806 (d)</b>  (1) If the operator of a tier 1 facility has no underground facilities in the area of the proposed excavation, such operator, before the excavation start date, <b>shall notify the excavator that it has no facilities in the area of proposed excavation by telephone, facsimile, marking the area all clear or by other technology that may be developed for such purposes.</b></p> <p><b>Section 82-14-3 (f)</b>  (f) Except in cases of emergencies or separate agreements between the parties, each operator of a tier 1 facility shall perform one of the following, within the two working days before the excavation scheduled start date assigned by the notification center:  (1) Inform the excavator of the location of the tolerance zone of the operator's underground facilities in the area described in the notice of intent of excavation; or  (2) notify the excavator that the operator has no facilities in the area described in the notice of intent of excavation.</p> <p><b>Section 82-14-3 (g)</b>  (g) Except in cases of emergencies or separate agreements between the parties, the operator of a tier 2 facility shall perform one of the following within the two working days before the excavation scheduled start date assigned by the notification center or the tier 2 member or tier 3 member, whichever is later:  (1) Mark the location of its facilities according to the requirements of subsections (m) and (n) in the area described in the notice of intent of excavation and, if applicable, notify the excavator of the operator's election to require a tolerance zone of 60 inches; or  (2) inform the excavator that the operator's underground facilities are expected to be at least two feet deeper than the excavator's planned excavation depth and that the location of its facilities will not be provided for the affected tier 2 facilities.</p> <p><b>Section 82-14-3 (l)</b>  (1) <b>The requirement to inform the excavator of the facility location shall be met by marking the location of the operator's facility and identifying the name of the operator</b> with flags, paint, or any other method by which the location of the facility is marked in a clearly visible manner.  (p) The requirement to notify the excavator that the tier 1 operator has no facilities in the area described in the notice of intent of excavation shall be met by performing one of the following:  (1) Marking the excavation site in a manner indicating that the operator has no facilities at that site; or  (2) contacting the excavator by telephone, facsimile, or any other means of communication. Two documented attempts by the operator to reach an excavator by telephone during normal business hours shall constitute compliance with this paragraph.</p>
<p><b>Kentucky</b></p>	<p><b>KRS § 367.4903 (21)</b>  (21) <b>“Positive response” means an automated or written communication system provided by each protection notification center for all locate requests</b> the center receives pursuant to KRS 367.4909 that allows excavators, locators, operators, and other interested parties to determine the status of locating an underground facility and requires response and verification by operators and excavators to comply with their respective requirements of the Underground Facility Damage Prevention Act of 1994;</p> <p><b>KRS § 367.4909 (7)</b>  (7) <b>An operator shall</b>, after receiving an emergency locate request, a normal excavation locate request, an unmapped or untunable locate request, or a large project request as provided in subsection (5) of this section:</p>

	<p>(a) <b>Inform the excavator of the approximate location and description of any of the operator’s underground facilities</b> that may be damaged or pose a safety concern because of excavation or demolition;</p> <p>(b) Unless permanent facility markers are provided, provide temporary markings to inform the excavator of the ownership and approximate location of the underground facility; <b>and</b></p> <p>(c) <b>Provide a positive response to the requesting party.</b></p> <p><b>KRS § 367.4911 (12)</b></p> <p>(12) If an operator has failed to give a positive response within the timeframes provided in KRS 367.4909(5), the excavator shall submit a second notice to the protection notification center. If one (1) working day after receiving a second notice request as provided in KRS 367.4909(6), the operator has still failed to give a positive response, an excavator that has fully complied with this section shall not be deemed liable for any damages to an underground facility that would have been located if the operator had complied with the operator’s duties under KRS 367.4909, except for damages to a person or an underground facility due to negligence or intentional misconduct of an excavator. This subsection shall not apply to any underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq.</p> <p><b>KRS § 367.4913 (1)(b)</b></p> <p>All protection notification centers shall:...</p> <p>(b) Provide a positive response system for excavators, locators, operators, and other interested parties to determine the status of locating an underground facility;</p>
<p><b>Louisiana</b></p>	<p><b>§ 40:1749.14 (C) (1)</b></p> <p>C. (1) Each operator of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate or an intent to conduct normal commercial farming operations, shall supply, prior to the proposed excavation or normal commercial farming operation, the following information to the person responsible for the excavation or normal commercial farming operation:</p> <p>(a) The specific location and type of all of its underground utilities or facilities which may be damaged as a result of the excavation or demolition. If the surface over the buried or submerged line is to be removed, supplemental offset markings may be used. Offset markings shall be on a uniform alignment and shall clearly indicate that the actual facility is a specific distance away.</p> <p><b>§ 40:1749.14 (C)(2)</b></p> <p>(2) If the operator does not visibly mark the location of these utilities or facilities, the operator shall provide information to enable an excavator using reasonable and prudent means to determine the approximate location of the utility or facility. The information provided by the operator shall include a contact person and a specific telephone number for the excavators to call. After the operator has received the notification request, the information on location, size, and type of underground utility or facility must be provided by the operator to the excavator prior to excavation.</p> <p>(3) In the event of inclement weather as defined in this Part, the mark-by time shall be extended by a duration equal to the duration of the inclement weather. The owner or operator shall notify the excavator or demolisher before the expiration of the mark-by time of the need for such extension.</p> <p>(4) <b>Should an underground utility or facility operator determine that its underground facilities are not in conflict with the location of the request or determine that its underground facilities are not fully marked for locating purposes, a notification shall be sent to the excavator prior to the mark-by time. A notification to the regional notification center that generated the location request shall suffice for compliance with this Section as it pertains to positive response.</b></p>
<p><b>Maine</b></p>	<p><b>§ 3360-4</b></p> <p>4. Operator response to notice locating facilities. An underground facility operator shall, upon receipt of the notice provided for in subsection 3-A, advise the excavator of the location and size of the operator’s underground facilities and all underground facilities used in furnishing electric or gas service that are connected to the operator’s facilities, located in the public way and known to the operator in the proposed excavation area by marking the location of the facilities with stakes, paint or by other identifiable markings. The marking must identify a strip of land not more than 3 feet wide directly over the facility or a strip of land extending not more than 1 1/2 feet on each side of the underground facility and must indicate the depth of the underground facility, if known. The underground facility operator shall complete this marking no later than 2 full business days after receipt of the notice. After the underground facility operator has marked the location of that operator’s underground facilities in the proposed excavation area, the excavator is responsible for maintaining the markings at the location, unless the excavator requests remarking at the location due to obliteration, destruction or other removal of the markings. The underground facility operator shall remark the location within one business day following the receipt of a request to remark.</p> <p><b>§65-407-895-6 (B)(1)</b></p>

	<p>1. Purpose. <b>An operator shall, upon receipt of the notice provided in Subsection 4(B)(2) or Section 5, advise the excavator of the location and size of the operator’s underground facilities and all underground facilities</b> used in furnishing electric or gas service that are connected to the operator’s facilities, located in the public way and known to the operator within the area of the proposed excavation <b>by marking the location of the facilities</b> in accordance with this subsection. <b>If the operator determines that there are no facilities in the proposed excavation area</b> that it is obligated to mark, <b>it shall inform the excavator in writing</b>, prior to the expiration of the excavator’s waiting period, <b>either by electronic facsimile or e-mail or by placing marks at the excavation site that so indicate.</b></p>
<p><b>Maryland</b></p>	<p><b>§ 12-126.</b>  (a) An owner-member or its contract locator shall mark its underground facility if a proposed excavation or demolition that is specified in the extent of work contained in the ticket:  (1) is within 5 feet of the horizontal plane of the underground facility; or  (2) because of planned blasting, is so near to the underground facility that the underground facility may be damaged or disturbed.  (b) (1) An owner-member or its contract locator shall mark the location of its underground facility as specified under subsection (a) of this section by marking on the ground within 18 inches on a horizontal plane on either side of the underground facility.  ... (c) Except as provided in subsection (d) of this section, within 2 business days after the day on which a ticket is transferred to an owner-member or before the selected start work date, <b>the owner-member or its contract locator shall:</b>  (1) mark the location of the owner-member’s underground facility and <b>report to the underground facilities information exchange system that the underground facility has been marked; or</b>  (2) <b>report to the underground facilities information exchange system that the owner-member has no underground facilities in the vicinity of the planned excavation or demolition.</b> (d) (1) If an owner–member is unable to mark the location of the owner–member’s underground facility within the time period prescribed in subsection (c) of this section because of the scope of the proposed excavation or demolition, the owner–member shall: (i) promptly notify the underground facilities information exchange system and the person that intends to perform the excavation or demolition; and (ii) work with the person that intends to perform the excavation or demolition to develop a mutually agreeable schedule for marking the underground facility.  <b>§ 12-127.</b>  Excavation after notice that facilities marked or not in vicinity. - (a) <b>A person that intends to perform excavation or demolition may begin excavation or demolition activity only after the person receives notification from the underground facilities information exchange system</b> of the one-call system confirming that all applicable owner-members or their contract locators have:  (1) marked their underground facilities in accordance with § 12-126(c) of this subtitle;  (2) marked the applicable portion of their underground facilities in accordance with § 12-126(d) of this subtitle; or  (3) reported that they have no underground facilities in the vicinity of the excavation or demolition.</p>
<p><b>Massachusetts</b></p>	<p><b>Section 40B:</b>  Section 40B. Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time the initial notice is received by the system or at such time as the company and the excavator or professional land surveyor agree, such company shall respond to the initial notice or subsequent notice by designating the location of the underground facilities within 15 feet in any direction of the premarking so that the existing facilities are to be found within a safety zone. Such safety zone shall be so designated by the use of standard color-coded markings. The providing of such designation by the company shall constitute prima facie evidence of an exercise of reasonable precaution by the company as required by this section; provided, however, that in the event that the excavator or professional land surveyor has given notice as aforesaid at a location at which because of the length of excavation the company cannot reasonably designate the entire location of its facilities within such 72 hour period, then such excavator or professional land surveyor shall identify for the company that portion of the excavation which is to be first made and the company shall designate the location of its facilities in such portion within 72 hours and shall designate the location of its facilities in the remaining portion of the location within a reasonable time thereafter. When an emergency notification has been given to the system, the company shall make every attempt to designate its facilities as promptly as possible. A company shall conduct periodic audits to ensure: (i) the accuracy of the designated location and marking of its facilities; and (ii) its adherence to marking standards.  demolition.  <b>99.06: (1)</b>  (1) Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time initial notice is received by the Dig Safe Center, every company shall mark the location of an underground facility by applying a visible marking material, such as</p>

	<p>paint, on the ground above the facility. The company may use an alternative marking method of color-coded stakes, color-coded flags or color-coded brush-type markers.</p> <p><b>99.06: (10)</b></p> <p>(10) <b>If a company receives notification of an excavation from the Dig Safe Center and has no underground facilities to mark, it shall inform the excavator or otherwise indicate the absence of underground facilities at the excavation location.</b></p>
<p><b>Michigan</b></p>	<p><b>460.723 (x)</b></p> <p>(x) <b>"Positive response" means the procedure administered by the notification system to allow excavators to determine whether all facility owners or facility operators contacted under a ticket have responded in accordance with this act.</b></p> <p><b>460.726 (3)</b></p> <p>(3) The notification system shall administer a positive response system to allow excavators to determine whether all of the facility owners or facility operators in the area have responded to a ticket and whether a particular facility owner or facility operator does not have facilities in the area of a proposed excavation or blasting.</p> <p><b>460.727</b></p> <p>(1) A facility owner or facility operator shall respond to a ticket by the start date and time for the excavation or blasting under section 5(1) by marking its facilities in the area of the proposed excavation or blasting in a manner that permits the excavator to employ soft excavation to establish the precise location of the facilities.</p> <p>(2) A facility owner or facility operator shall mark the location of each facility with paint, stakes, flags, or other customary methods using the uniform color code of the American national standards institute as follows:...</p> <p>(3) <b>A facility owner or facility operator shall provide notification to the notification system using positive response.</b></p>
<p><b>Minnesota</b></p>	<p><b>216D.04 Subd. 3</b></p> <p>(a) Prior to the excavation start time on the notice, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. The excavator shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.</p> <p>(b) Within 96 hours or the time specified in the notice, whichever is later, after receiving a notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, an operator shall locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.</p> <p>(c) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.</p> <p>(d) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.</p> <p>(e) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey start time stated in the notice, the operator shall promptly contact the excavator or land surveyor.</p> <p><b>7560.0250</b></p> <p>Subpart 1. Facility locate. Unless otherwise agreed to between the excavator and operator, an operator shall locate an underground facility using stakes, flags, paint, or other suitable materials in varying combinations dependent upon the surface. The locate must be in sufficient detail to clearly identify the approximate route of the underground facility. The locate must also include:</p> <p>A. name, abbreviation, or logo of the operator when more than one operator listed on the notice uses the same color markings;</p> <p>B. width of the underground facility if it is greater than eight inches; and</p> <p>C. number of underground facilities if greater than one.</p> <p>§Subp. 2. Operator duties in no conflict situation. After December 31, 2005, <b>an operator who receives notice and determines that an underground facility is not in conflict with the proposed excavation shall complete one or more of the following:</b></p> <p>A. <b>mark the area "NO"</b> followed by the operator's name, abbreviation, or logo in the color code of the underground facility not in conflict;</p> <p>B. place a clear plastic flag at the area that:</p> <p>(1) states "N/C" or "NO CONFLICT" in lettering matching the color code of the underground facility that is not in conflict; and</p> <p>(2) includes the operator's name, abbreviation, or logo, the date, a contact telephone number, and the ticket number; or</p>

	<p><b>C. contact the notification center through procedures required by the notification center and indicate that there are no underground facilities in conflict</b> with the proposed excavation and that no markings or flags were left at the proposed excavation site.</p> <p>Subp. 4. Duties of notification center. After December 31, 2005, the notification center shall make the information received under subpart 2 available to the excavator before the start date and time on the notice. The notification center may fulfill this requirement by making the information accessible through one or more Internet addresses, by transmitting the information to a continuously working facsimile machine maintained by the excavator, or by other methodology developed by the notification center. The notification center shall make available the information received by operators pursuant to this section through an electronic means. The notification center is not required by this subpart to contact an excavator verbally via telephone.</p>
Mississippi	<p><b>§ 77-13-3. (r)</b>  (r) “Positive Response Information System” or “PRIS” means an automated information system operated and maintained by Mississippi 811, Incorporated, that allows excavators, locators, facility owners or operators, and other affected parties to enter and/or determine the status of a locate request.</p> <p><b>§ 77-13-9.</b>  (1) <b>Every person owning or operating underground utility lines or underground facilities shall</b>, upon receiving advance notice of the commencement of excavation, in accordance with Section 77-13-5, make an investigation, <b>and shall report through the use of the PRIS the status of the work performed</b>, within three (3) working days from the time notice is provided in accordance with this chapter to Mississippi 811, Incorporated, to determine the approximate location of its underground utility lines or underground facilities in the area of the proposed excavation, and shall either: (a) mark the approximate location of underground utility lines and underground facilities in or near the area of the excavation, so as to enable the person engaged in excavation work to locate the lines and facilities in advance of and during the excavation work and notify the excavator through the PRIS that the facilities have been marked; (b) advise through the PRIS that it has no underground utility lines or underground facilities in the excavation area; or (c) advise through the PRIS that it can locate its underground utility lines or underground facilities in the excavation area only by excavation.</p>
Missouri	<p><b>§ 319.015. (6)</b>  (6) “Locate status”, the underground facility owner’s designation of the status of the locate request to the notification center which then makes that information available to the person making the locate request through electronic or other means;</p> <p><b>§ 319.030. (1)</b>  <b>Each underground facility owner receiving notifications from the notification center by use of the internet shall</b>, after December 31, 2014, <b>use the locate status system provided by the notification center</b>. Those underground facility owners that do not receive notifications by use of the internet shall, no later than January 1, 2016, provide locate status to the notification center by an alternate method provided by the notification center.</p> <p><b>§ 319.030. (1)</b>  The owner or operator shall provide the approximate location of underground facilities by use of markings as designated in section 319.015. Persons representing the excavator and the owner or operator shall meet on the site of excavation within two working days of a request by either person for such meeting for the purpose of clarifying markings, or upon agreement of the excavator and owner or operator, such meeting may be an alternate means of providing the location of facilities by originally marking the approximate location of the facility at the time of the meeting. If upon receipt of a notice of intent to excavate, an owner or operator determines that he or she neither owns or operates underground facilities in or near the area of excavation, the owner or operator shall within two working days after receipt of the notice, inform the excavator that the owner or operator has no facilities located in the area of the proposed excavation. <b>The owner or operator of the underground facility shall make notice to the excavator that no facilities are located in the area of excavation by contacting the excavator by any of the following methods:</b></p> <p>(1) By calling the primary number of the excavator or by calling the telephone number of the responsible person as provided by the excavator under subdivision (4) of subsection 2 of section 319.026;  (2) By leaving a message on the recording device for such numbers;  (3) By calling the cellular telephone number of the excavator or responsible person;  (4) By notifying the excavator by facsimile or electronic mail at numbers or addresses stated by the excavator in the notice of excavation made under subsection 2 of section 319.026;  (5) <b>By marking “clear” or “OK” at the site of excavation;</b>  (6) By verbally informing the excavator in person.</p>



	<p>If the only means of contacting the excavator is one or more telephone numbers provided by the excavator in the notice of excavation under section 319.026, then two attempts by the underground facility owner to contact the excavator at one of the telephone numbers provided shall constitute compliance with this subsection; or</p> <p><b>(7) By use of a locate status system.</b></p>
Montana	<p><b>69-4-501 (24)</b>  (24) <b>“Positive response” means notification through an electronic system provided by a notification center that is available to underground facility owners and excavators and is used for communicating and documenting the status of a request for a locate.</b></p> <p><b>69-4-502 (1)</b>  (a) Except as provided in subsection (2), an excavator may not make or begin an excavation without first obtaining information concerning the possible location of an underground facility from each underground facility owner having the right to bury underground facilities that is a member of a notification center pursuant to subsection (3).  (b) Information concerning the possible location of underground facilities in accordance with subsection (1)(a) is obtained when:  (i) <b>underground facilities are located and marked in accordance with 69-4-503; or</b>  (ii) <b>underground facility owners notified by a notification center respond through the notification center that their underground facilities are located and marked, or that locating or marking is not necessary,</b> and the excavator receives a positive response that locates and marks are either complete or unneeded.</p>
Nebraska	<p><b>§ 76-2323. (1)</b>  (1) Upon receipt of the information contained in the notice pursuant to section 76-2321, an operator shall advise the excavator of the approximate location of underground facilities in the area of the proposed excavation by marking or identifying the location of the underground facilities with stakes, flags, paint, or any other clearly identifiable marking or reference point and shall indicate if the underground facilities are subject to section 76-2331.</p> <p><b>§ 76-2323. (4)</b>  (4) An operator who determines that such operator does not have any underground facility located in the area of the proposed excavation shall notify the center of the determination prior to the date of commencement of the excavation, or prior to two full business days after transmittal of the ticket, whichever occurs sooner. All ticket responses made under this subsection shall be transmitted to the operator and excavator by the center.</p> <p><b>155-2-002 (02)</b>  <b>Mandatory Electronic Positive Response shall mean an electronic response transmitted to the center indicating the facility’s response status to a ticket.</b></p> <p><b>155-2-006 (01)</b> Every operator shall be required to participate in the Mandatory Electronic Positive Response process.  <b>006.01A. Every operator shall electronically notify the center of their response status on the required ticket types.</b> This notification shall be received by the center prior to the excavation ticket start date or the work to begin start time and date as listed on the ticket.</p>
Nevada	<p><b>NRS 455.130</b>  if an operator receives notice through an association for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110, the operator shall:  (a) Locate and identify the subsurface installations and, if known, the number of subsurface installations that are affected by the proposed excavation or demolition to the extent and to the degree of accuracy that the information is available in the records of the operator or can be determined by using techniques of location that are commonly used in the industry, except excavating, within 2 working days or within a time mutually agreed upon by the operator and the person who is responsible for the excavation or demolition;  (b) Remove or protect a subsurface installation as soon as practicable if the operator decides it should be removed or protected; and  (c) <b>Advise the person who contacted the association for operators of the location of the subsurface installations of the operator that are affected by the proposed excavation or demolition.</b></p> <p><b>2. The operator shall notify the person who contacted the association for operators if the operator has no subsurface installations that are affected by the proposed excavation or demolition.</b></p> <p><b>NAC 455.120 (2)</b>  <b>2. Upon receiving the notification required</b> pursuant to subsection 3 of NAC 455.125 from every operator to whom the association for operators transmitted information pursuant to subsection 1, <b>an association for operators shall immediately send an electronic notification to the excavator.</b></p> <p><b>NAC 455.125</b></p>

	<p>1. An operator locating and identifying subsurface installations pursuant to the provisions of paragraph (a) of subsection 1 of NRS 455.130 shall locate and identify all subsurface installations of the operator that are in use or held for prospective use and are located within the affected area of the proposed excavation or demolition and shall:</p> <p>(a) Mark the approximate location of the subsurface installations located and identified as required by NRS 455.133 and NAC 455.130 or in another manner agreed to in writing between the excavator and the operator; or</p> <p>(b) For any subsurface installations of the operator that the operator was unable to identify or locate according to the records of the operator:</p> <p>(1) Inform the excavator of the approximate location of the subsurface installation; and</p> <p>(2) Provide to the excavator the best description available of the subsurface installation from those records.</p> <p>2. If an operator determines that it has no subsurface installations within the affected area of the proposed excavation or demolition, the operator shall notify the excavator pursuant to the provisions of subsection 2 of NRS 455.130 by:</p> <p>(a) Notifying the excavator directly; or</p> <p>(b) Making a mark which indicates that the operator has no subsurface installations within the affected area of the proposed excavation or demolition in a manner that:</p> <p>(1) Is consistent with the practice in the industry; or</p> <p>(2) Includes the name, initials or logo of the operator.</p> <p>3. <b>An operator shall:</b></p> <p>(a) <b>Immediately notify the association for operators once the duties described in subsections 1 and 2 have been completed;</b> or</p> <p>(b) If the operator and excavator mutually agree upon a time for the completion of the duties described in paragraph (a) of subsection 1 of NRS 455.130 which is later than 2 working days after the date on which the operator received notice through the association for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110, immediately notify the association for operators once the operator has commenced the performance of the duties described in subsections 1 and 2, and inform the association for operators that the duties described in subsections 1 and 2 will be completed within a time mutually agreed upon by the operator and excavator.</p>
<p style="text-align: center;"><b>New Hampshire</b></p>	<p><b>Puc 804.02 (e)</b></p> <p>(a) <b>Any operator who owns, operates, or both, an underground facility used in the transportation of gas or hazardous liquids and subject to the federal pipeline statute, 49 U.S.C. §§ 60101 to 60137, shall:</b></p> <p>(e) When no underground facility is within the area of a proposed excavation, an owner or operator receiving notification of the proposed excavation shall so advise the excavator by:</p> <p>(1) Marking the non-existence of facilities within the premarked area of intended excavation in accordance with Puc 806;</p> <p>(2) Participating in a meeting where details of the job site are discussed and documented; or</p> <p>(3) <b>Communicating with the excavator via e-mail, fax, telephone, or other electronic communication, provided that the excavator confirms receipt of such communication</b></p> <p><b>374:53</b></p> <p>Response by Operator. – Within 72 hours after receipt of notice from a proposed excavator or from the system of a proposed excavation, but not including Saturdays, Sundays, and legal holidays, an operator shall mark the location of its underground facilities in the area of the proposed excavation. An operator and an excavator may by agreement fix a later time for the operator's marking of its facilities. Once an operator has marked the location of its facilities in the area of an excavation, the excavator shall be responsible for maintaining the markings. An operator who participates in an underground facility damage prevention system shall not be required to locate underground facilities not owned by the operator; underground facilities which the owner shall not be required to locate may include, but shall not be limited to, facilities running from a house to a garage or other outbuilding.</p>
<p style="text-align: center;"><b>New Jersey</b></p>	<p><b>§ 48:2-80. (b)</b></p> <p>b. If an operator does not own, operate or control any underground facilities at the site concerning which he received information of a notice of intent to excavate transmitted pursuant to subsection c. of section 4 of this act, the operator shall make a reasonable effort to so advise the person giving the notice of intent to excavate, providing the notice is given within the time frame set forth in subsection a. of section 10 of this act.</p> <p><b>Section 14:2-4.2 (d)</b></p> <p>(d) Within three business days after receiving information from the System operator regarding a planned excavation or demolition, <b>an operator shall provide an electronic positive response to the System operator and do either of the following:</b></p>

	<p>1. If the operator owns, operates, or controls the operation of any underground facilities on the site, the operator shall mark out the site as required pursuant to N.J.A.C. 14:2-5, except if a facility is exempt from markout requirements pursuant to N.J.A.C. 14:2-4.1(b) or (c); or</p> <p>2. If the operator does not own, operate, or control the operation of any underground facilities on the site, the operator shall notify the excavator of that fact.</p> <p><b>Section 14:2-5.1 (c)</b></p> <p>(c) If an excavator has marked the perimeter of a proposed excavation or demolition site with white in accordance with N.J.A.C. 14:2-3.2(c), (d), and (e), an operator shall mark out all of the operator's facilities that lie within the white perimeter marking, and in addition all facilities outside the white perimeter that are within 10 feet of the white marking.</p> <p>(d) All facilities newly installed by the operator shall be back flagged and marked according to N.J.A.C. 14:2-5.2, upon completion of the installation. If there is a valid notice of intent to excavate in accordance with N.J.A.C. 14:2-3.1 in the scope of the work area where the facilities have been installed, that has not yet reached its "start by" date, the excavator must be notified about the newly installed facilities. This shall be done by updating the positive response.</p>
<p><b>New Mexico</b></p>	<p><b>62-14-2. (N)</b></p> <p>N. "positive response" means a response, within the advance notice period, initiated by owners or operators of pipelines and underground facilities by reliable means of communication, to the one-call notification system's positive response registry system. <b>A positive response allows the excavator to verify whether all affected pipeline and underground facility owners or operators have marked their underground facilities</b> pursuant to Section 62-14-5 NMSA 1978 prior to commuting to the excavation site and commencing excavation;</p> <p><b>62-14-5.</b></p> <p>Marking of facilities. - A. A person owning or operating an underground facility shall, upon the request of a person intending to commence an excavation and upon advance notice, locate and mark on the surface the actual horizontal location, within eighteen inches by some means of location, of the underground facilities in or near the area of the excavation so as to enable the person engaged in excavation work to locate the facilities in advance of and during the excavation work.</p> <p><b>B. If the owner or operator of the underground facility finds that the owner or operator has no underground facilities in the proposed area of excavation, the owner or operator shall provide a positive response and, at the option of the owner or operator of the underground facility mark the area as "Clear" or "No Underground Facilities" in the appropriate color code as specified in Section 62-14-5.1 NMSA 1978.</b></p> <p><b>62-14-7.1. (F)</b></p> <p>F. <b>After receiving advance notice, owners and operators of pipeline facilities and other underground facilities shall locate and mark their facilities in the intended excavation area and shall provide a positive response.</b> The one-call notification center shall make available to the commission appropriate positive response records for investigations of alleged violations of Chapter 62, Article 14 NMSA 1978.</p> <p><b>18.60.5.12 (A)(3)</b></p> <p>(3) UFOs shall physically mark or clear the location of underground facilities on the site through a positive response system within two full working days from the date of the ticket.</p> <p>(4) <b>If one or more underground facilities have not been marked and positive response has not been provided, a project owner or project engineer shall call the one-call notification system for verification</b> that advance notice was transmitted to the UFO and to provide notice that the underground facilities have not been located or cleared via a warning locate request. UFOs shall promptly respond to warning locate requests, ideally within two hours.</p> <p><b>18.60.5.13 (3) &amp; (5)</b></p> <p>(3) <b>If a UFO determines it does not have underground facilities within the proposed limits of the excavation site, a UFO shall provide positive response to the one-call notification's positive response registry system</b> and may write "clear" or "no underground facilities" and the UFO's name at the site in the appropriate color.</p> <p>(5) <b>A UFO shall provide appropriate positive response to the one-call notification's positive response registry system for all advance notifications,</b> including wide area, design, bid, standard, and road maintenance locate requests or conferences</p>
<p><b>New York</b></p>	<p><b>§ 763. (2)</b></p> <p>2. Upon receipt of the notification provided for by this article either directly from the excavator or from the one-call notification system and pursuant to the rules and regulations adopted by the public service commission pursuant to section one hundred nineteen-b of the public service law, an operator shall advise the excavator in a timely manner of those of its underground facilities that will be affected by the proposed excavation or demolition.</p> <p><b>§ 764. (3)</b></p>

	<p>3. An excavator may proceed with such work if he has received notice from each operator notified by the one-call system that it has no underground facility in or within fifteen feet of the proposed work area or that the operator marked any underground facility located in or within fifteen feet of the proposed work area.</p> <p><b>753-1.2 (a)</b>  (a) Automated Positive Response (APR) system.  A system established by the one-call notification system to furnish a single point of contact between member operators and excavators for the purpose of communicating the status of an excavation location request as provided by the member operators.</p> <p><b>753-3.3 (d)</b>  (d) <b>Where available through the one-call notification system, the excavator shall utilize the Automated Positive Response (APR) system in order to obtain the response(s) of the operators that were notified by the one-call notification system.</b></p> <p><b>753-4.5 (a)</b>  (a) Prior to the stated commencement date of the excavation or demolition work as stated in the recorded notice, <b>the operator shall make a reasonable attempt to inform the excavator, by means of an Automated Positive Response (APR) system, where available, or by means of direct communications with the excavator, where APR is not available,</b> that either:  The operator has no underground facility in or within 15 feet of the work area; or  Every underground facility belonging to him or her which is located in or within 15 feet of the work area has been staked, marked, or otherwise designated in accordance with the provisions of this Subpart.  (b) Where an operator cannot complete the staking, marking or other designation of an underground facility prior to the stated commencement date and time of the excavation or demolition, the operator shall promptly report such fact to the excavator and shall inform the excavator of a prompt and practicable completion date which in no case shall be more than two working days after the excavator’s stated commencement date, unless a longer period is agreed to by both parties.</p>
<p style="text-align: center;"><b>North Carolina</b></p>	<p><b>§ 87-117. (20)</b>  (20) Positive response. — An automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request.</p> <p><b>§ 87-121. (a)</b>  (a) An operator shall provide to the excavator the following:  (1) The horizontal location and description of all of the operator’s facilities in the area where the proposed excavation or demolition is to occur. The location shall be marked by stakes, soluble paint, flags, or any combination thereof, as appropriate, depending upon the conditions in the area of the proposed excavation or demolition. The operator shall, when marking as provided under this subdivision, use the APWA Uniform Color Code. If the diameter or width of the facility is greater than four inches, the dimension of the facility shall be indicated at least every 50 feet in the area of the proposed excavation or demolition. An operator who operates multiple facilities in the area of the proposed excavation or demolition shall locate each facility.  (1a) The operator’s identity, marked as provided in subdivision (1) of this subsection, in the area where the proposed excavation or demolition is to occur. At a minimum, the operator’s identity shall be marked at the beginning point, at intervals of 200 linear feet, and at the end point of the proposed excavation or demolition.  (2) Any other information that would assist the excavator in identifying and thereby avoiding damage to the marked facilities.</p> <p><b>§ 87-121. (c)</b>  (c) <b>The operator shall provide a positive response to the Notification Center before the expiration of the time provided in subsection (b) of this section. The response shall indicate whether and to what extent the operator is able to provide the information required by subsection (a) of this section to respond to the notice from the excavator.</b></p> <p>(d) If the operator determines that provisions for marking subaqueous facilities are required, the operator will provide a positive response to the Notification Center not more than three full working days after notice has been provided by the excavator. (e) If extraordinary circumstances prevent the operator from marking the location of the facilities within the time specified in subsection (b) of this section, the operator shall either notify the excavator directly or notify the excavator through the Notification Center. When providing the notification under this subsection, the operator shall state the date and time when the location will be marked.</p> <p><b>§ 87-122. (6)</b>  (6) If an operator fails to respond to the positive response system, the excavator may proceed if there are no visible indications of a facility at the proposed excavation or demolition area, such as a pole, marker, pedestal, meter, or valve. However, if the excavator is aware of or observes indications of an unmarked facility at the proposed excavation or demolition area, the excavator shall not begin excavation or demolition until an additional notice is made to the Notification Center detailing the</p>

	<p>facility and an arrangement is made for the facility to be marked by the operator within three hours from the time the additional notice is received by the Notification Center.</p>
<b>North Dakota</b>	<p><b>49-23-01. (16)</b> 16. “Positive response” means notification by the operator to the notification center that underground facilities within the area covered by a location request have been marked or cleared.</p> <p><b>49-23-04. (5)</b> 5. The notification center shall:</p> <ul style="list-style-type: none"> <li>a. Provide a toll-free telephone number and assign an inquiry identification number to each excavation notice and retain a record of all excavation notices received for at least six years.</li> <li>b. Immediately transmit the information contained in an excavation notice to every operator that has an underground facility in the area of the proposed excavation.</li> <li>c. Inform the persons giving notice of an intent to engage in an excavation activity the names of participating operators of underground facilities to whom the notice will be given.</li> <li>d. Establish procedures for assuring positive response from the affected operator in all emergency excavation notices.</li> <li>e. Establish procedures to receive from operators and convey to ticket holders positive response when operators have located or cleared underground facilities identified within the area of a location request.</li> </ul> <p><b>49-23-04. (6)(n)</b> n. <b>An operator that has completed marking of the excavation area or has determined there are no facilities in the area identified in the ticket shall provide positive response to the notification center</b> in compliance with the notification center’s procedures established under subsection 5 for assuring positive response from operators.</p>
<b>Ohio</b>	<p><b>§ 3781.25 (Q)</b> (Q) “Positive response system” means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site.</p> <p><b>§ 3781.26</b> Participation in underground utility facilities protection service; publicizing importance; records. - (A) Each utility that owns or operates underground utility facilities shall participate in and register the location of its underground utility facilities with a protection service that serves the area where the facilities are located. <b>A utility may elect to participate in the service on a limited basis</b> and if it does so, it shall register the location of its underground utility facilities by identifying the municipal corporations, and outside the limits of a municipal corporation, the townships by county and, where applicable, the immediate geographic area in which it has facilities. The service shall establish reasonable fees for limited basis participants.</p> <p><b>§ 3781.26 (D)</b> (D) <b>Each utility fully participating in a protection service pursuant to this section shall also participate in its affiliated positive response system.</b> Each utility participating in a protection service on a limited basis shall directly communicate to the excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site.</p> <p><b>§ 3781.27</b> (B) Except in the case of limited basis participants, the protection service shall provide notice of the proposed excavation to each participant in the service that has underground utility facilities in the area of the proposed excavation site. Except as provided in section 3781.271 of the Revised Code, in the case of limited basis participants, the protection service shall notify the developer or the designer employed by the developer of the name of each limited basis participant with underground utility facilities within the municipal corporation or township and county of the proposed excavation site, and the developer or designer shall contact that utility.</p> <p><b>§ 3781.271</b> Modification of one-call notification system. - Beginning on July 1, 2013, each protection service shall reasonably modify its one-call notification system so as to permit the reasonable identification of the location of a proposed excavation site in a manner in which the protection service may then notify any potentially affected limited basis participants. Each member of a protection service, including limited basis participants, shall be responsible for providing current contact information to the protection service.</p> <p><b>§ 3781.29</b> (1) Except as otherwise provided in division (A)(2) of this section, within forty-eight hours of receiving notice under section 3781.28 of the Revised Code, each utility shall review the status of its facilities within the excavation site, locate and mark its underground utility facilities at the excavation site in such a manner as to indicate their course, and report the appropriate information to the protection service for its positive response system. <b>If a utility does not mark its underground utility</b></p>



	<p>facilities or contact the excavator within that time, the utility is deemed to have given notice that it does not have any facilities at the excavation site. If the utility cannot accurately mark the facilities, the utility shall mark them to the best of its ability, notify the excavator using the positive response system that the markings may not be accurate, and provide additional guidance to the excavator in locating the facilities as needed during the excavation.</p>
Oklahoma	<p><b>§ 63-142.6. (B)</b>  B. Each operator served with notice in accordance with subsection A of this section either directly or by notice to the notification center shall, prior to the date and time work is scheduled to begin, unless otherwise agreed to between the excavator and operator, locate and mark or otherwise provide the approximate location of the underground facilities of the operator in a manner as to enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavation....  <b>Each operator shall provide a positive response to the notification center</b> prior to the expiration of the required notice period. <b>This response shall indicate the status of the required activities of the operator</b> or designated representative in regard to the proposed excavation or demolition.  <b>§ 63-142.9a. (D)</b>  D. A suitable record shall be maintained for not less than four (4) years by the notification center to document the receipt of notices from excavators and positive responses from operators as required by Section 142.1 et seq. of this title.</p>
Oregon	<p><b>952-001-0010 (21)</b>  (21) “Response” means action taken by operators of underground facilities to:  (a) Mark or identify by other means the location of its locatable underground facilities in the area of the proposed excavation;  (b) Notify the excavator that there are unlocatable underground facilities in the area of the proposed excavation; or  (c) Notify the excavator that there are no underground facilities in the area of the proposed excavation.  <b>952-001-0070</b>  (1) Except as provided in section (2) of this rule, within two full business days following the day an excavator notifies the Oregon Utility Notification Center of a proposed excavation, <b>the operator or its designated agent must:</b>  (a) Mark within 24 inches of the outside lateral dimensions of both sides of all its locatable underground facilities within the area of proposed excavation. All marks must indicate the name, initials or logo of the operator of the underground facilities, and the width of the facility if it is greater than 2 inches;  (b) Provide marks to the excavator of the unlocatable underground facilities in the area of proposed excavation, using the best information available including as-constructed drawings or other facility records that are maintained by the facility operator;  <u>or</u> (c) <b>Notify the excavator that the operator does not have any underground facilities in the area of the proposed excavation.</b> Acceptable notifications must include locate request call back information and if done with an AVR (Automated Voice Response) must have a repeat option and a call back number to hear the information again.</p>
Pennsylvania	<p><b>§ 177. (5)(v)</b>  Duties of facility owners - <b>It shall be the duty of each facility owner:</b>  (5) After receipt of a timely request from an excavator or operator who identifies the work site of excavation or demolition work he intends to perform and not later than the business day prior to the lawful start date of excavation:  (v) <b>To respond to all notices through the One Call System</b>, provided the request is made in the time frame set forth under this act. The response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the lawful start date of excavation if the excavator specifies a later date or, in the case of an emergency, to respond through the One Call System as soon as practicable following receipt of notification of the emergency by the One Call System.  (v.1) To, if a facility owner failed to respond to an original, proper, nonemergency locate request from the One Call System or to a renotification under section 5(20), communicate directly to the excavator within two hours after renotification of the information about its facility location and, if necessary and possible, go to the proposed work site to mark, stake or locate its underground lines or to verify to the excavator that the facility owner’s underground lines are not within the area of the proposed work site....  (11) <b>To comply with all requests for information by the commission relating to the commission’s enforcement authority under this act within thirty days of the receipt of the request.</b>  (12) To participate in the One Call System’s Member Mapping Solutions as determined by the One Call System’s board...</p>
Rhode Island	<p><b>39-1.2-7.</b>  Marking of underground utilities and excavations. - (a) A public utility served with the notice in accordance with § 39-1.2-5 shall, within seventy-two (72) hours, exclusive of Saturdays, Sundays, and legal holidays, of the receipt of the notice, unless otherwise agreed between the person or public agency performing the work and the public utility, mark the approximate location of the underground utility facilities.</p>

<p style="text-align: center;"><b>South Carolina</b></p>	<p><b>§ 58-36-20. (19)</b>  (19) “Positive response” means an automated information system that allows excavators, locators, operators, and other interested parties to determine the status of a locate request until excavation or demolition is complete.</p> <p><b>§ 58-36-70. (D)</b>  (D) An operator must provide a positive response to the notification center prior to the expiration of the required notice period. This response shall indicate the status of the required activities of the operator or designated representative in regard to the proposed excavation or demolition.</p> <p>(E) If the operator determines that provisions for marking subaqueous facilities are required, the operator or their designated representative will provide a positive response to the notification center not more than three full working days after notice of the proposed excavation or demolition from the notification center.</p> <p><b>§ 58-36-60. (E)(2)</b>  (E) An excavator must comply with the following:...</p> <p>(2) Check the notification center’s positive response system prior to excavating or demolishing to ensure that all operators have responded and that all facilities that may be affected by the proposed excavation or demolition have been marked.</p>
<p style="text-align: center;"><b>South Dakota</b></p>	<p><b>49-7A-8.</b>  Location of underground facilities — Marking with stakes, flags or paint — Response time — Clearance between excavator and facility.. - An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable marking within eighteen inches horizontally from the exterior sides of the underground facilities.</p> <p><b>20:25:03:05.04. (4)</b>  Operator responsibilities when marking underground facilities. Each operator who is required to mark its underground facilities pursuant to SDCL 49-7A-8 shall identify the underground facility using the following minimum standards:...</p> <p>(4) <b>Upon request by the excavator at the time a ticket is produced, the operator shall provide notification if the operator identifies, without making a site visit, that it has no underground facilities located within the excavation area.</b> When such request is made, the excavator shall provide information that allows notification by email, facsimile, and telephone;</p> <p>(5) <b>If a site visit is made, and the operator has no underground facilities in conflict with the excavation area, the operator shall mark in the excavation area "NO" followed by the operator's name, abbreviation, or logo in the color code of the underground facility not in conflict with the excavation area; and</b></p> <p>(6) The excavator may request off-set marks to maintain an accurate record of the facility locations.</p>
<p style="text-align: center;"><b>Tennessee</b></p>	<p><b>65-31-108. (b)</b>  (b) <b>Each operator participating in a one-call service</b> that has been notified in accordance with § 65-31-106 <b>shall notify the one-call service that the operator has marked the approximate location of all of its underground utilities</b> as required by this section <b>or that the operator has no underground utilities in the proposed area of excavation. The operator shall provide this notice to the one-call service in accordance with procedures adopted by the one-call service for this notification.</b> This notice shall fulfill the operator's obligation set forth in subsection (e). When each operator notified in accordance with § 65-31-106 has notified the one-call service that its underground utilities in the proposed area of excavation have been marked or that the operator has no underground utilities in the proposed area of excavation, the person responsible for the excavation or demolition may immediately proceed with the excavation or demolition, notwithstanding the minimum three-working-day notice requirement before excavation or demolition can begin set forth in § 65-31-106(a).</p> <p><b>65-31-108. (e)</b>  (e) If no facilities exist in the tract or parcel of land, the operators shall make a reasonable effort to so advise the individual who initiated the request, provided the request is received in accordance with § 65-31-106.</p>
<p style="text-align: center;"><b>Texas</b></p>	<p><b>Sec. 251.157.(a)</b>  a) Each Class A underground facility operator contacted by the notification system <b>shall mark the approximate location of its underground facilities at or near the site of the proposed excavation if the operator believes that marking the location is necessary.</b></p> <p><b>Sec. 251.157.(d)</b>  (d) Not later than the 48th hour after the time the excavator gives to the notification center notice of intent to excavate, <b>an operator contacted by the notification center shall notify the excavator of the operator’s plans to not mark the proximate location of an underground facility</b> at or near the site of the proposed excavation. The operator must provide the notification by e-mail or facsimile or by another verifiable electronic method approved by the board.</p> <p><b>Sec. 251.158. (c)</b></p>

	<p>In addition to the notification required by Subsection (b), the operator shall also notify each excavator that has a pending location request in the location where an extraordinary circumstance is being experienced and shall include in the notification: (1) the fact that the operator is experiencing an extraordinary circumstance; and (2) the approximate time at which the operator will mark the requested location.</p> <p><b>Section 18.2 (17)</b>  (17) <b>Positive response--Notification to an excavator by markings left at an excavation site, or by fax, phone, e-mail, pager, or written correspondence</b> that allows an excavator to know prior to the beginning of excavation that underground pipelines have been located and marked or that there are no underground pipelines in the vicinity of the excavation.</p> <p><b>Section 18.5</b>  (a) Upon being contacted by the notification system, an operator shall provide a positive response within the time frames specified in Texas Utilities Code, Chapter 251, by either:  (1) marking the operator's underground pipelines in accordance with the requirements of Texas Utilities Code, Chapter 251, and this chapter; or  (2) notifying the excavator that the operator has no underground pipelines in the vicinity of the proposed excavation area. The operator shall provide this "all clear" or "no conflict" notice using the method or methods that the excavator specified in accordance with § RSA 18.3 of this title, relating to Excavator Notice to Notification Center.  (b) Both the excavator and the operator shall make a record of the positive response regarding each line locate ticket received.</p>
<p style="text-align: center;"><b>Utah</b></p>	<p><b>54-8a-2. (5)</b>  (5) "Electronic positive response system" means an automated information system, operated by the association, that allows excavators, locators, operators, and others to communicate the status of an excavation notice.</p> <p><b>54-8a-5. (1)</b>  (1) Within 48 hours of the receipt of the notice required by Section 54-8a-4, <b>the operator shall:</b>  (a) (i) <b>mark the location of the operator's underground facilities</b> in the area of the proposed excavation; <b>or</b>  (ii) <b>notify the excavator, by telephonic or electronic message or indication at the excavation site, that the operator does not have any underground facility in the area of the proposed excavation; and</b>  (b) <b>if the operator utilizes the association's electronic positive response system, provide a response to the association's electronic positive response system</b> to indicate whether the operator can provide the information described in Subsection (1)(a)(i).</p> <p><b>54-8a-9. (1)</b>  (1) (a) (i) Two or more operators may form and operate a statewide association providing for mutual receipt of notice of excavation activities.  (ii) When an association is operational, notice to the association shall be given pursuant to Section 54-8a-4.  (b) (i) When an association is formed, each operator with an underground facility in the state shall become a member of the association and participate in it to:  (A) receive an excavation notice submitted to the association;  (B) receive the services furnished by it;  (C) pay its share of the cost for the service furnished; and  (D) provide electronic positive response information to the association's electronic positive response system, if the system is utilized by the operator.</p>
<p style="text-align: center;"><b>Vermont</b></p>	<p><b>§ 7006.</b>  A company notified in accordance with section 7005 of this title shall, within 48 hours, exclusive of Saturdays, Sundays, and legal holidays, of the receipt of the notice, mark the approximate location of its underground utility facilities in the area of the proposed excavation activities;</p> <p><b>3.803 (C)</b>  (C) Within forty eight hours of the receipt of notice from the damage prevention system pursuant to 30 V.S.A. § 7005, each utility concerned shall determine whether it has facilities in place and, if so, shall mark or cause to be marked their approximate location, as required by law.</p>
<p style="text-align: center;"><b>Virginia</b></p>	<p><b>§ 56-265.15.</b>  <b>"Positive response" means a code or phrase posted by an operator or locator to the notification center detailing the marking status of a locate request.</b>  <b>"Positive response system" means the excavator-operator information exchange system that is required by subsection E of § 56-265.16:1 and provides the means for operators or their contract locators to respond to and report the marking status of a locate request.</b></p>

	<p><b>§ 56-265.16:1. (E)</b>  A notification center shall maintain a positive response system in accordance with notification center certification regulations promulgated by the Commission. The members of a notification center shall be responsible for developing and implementing a public awareness program to ensure that all parties affected by this chapter shall be aware of their responsibilities. There shall be only one notification center certified for each geographic area defined by the Commission.</p> <p><b>§ 56-265.19. (A)</b>  <b>If a proposed excavation or demolition is planned in such proximity</b> to the underground utility line that the utility line may be destroyed, damaged, dislocated, or disturbed, the operator shall mark the approximate horizontal location of the underground utility line on the ground to within two feet of either side of the underground utility line by means of stakes, paint, flags, or a combination thereof. <b>The operator or contract locator shall mark the underground utility line and report the marking status to the positive response system</b> by no later than 7:00 a.m. on the third working day following the excavator’s locate request..</p> <p><b>B. If a proposed excavation or demolition is not planned in such proximity</b> to the operator’s underground utility lines that the utility line may be damaged, <b>the operator shall so report to the notification center’s positive response system</b> no later than 7:00 a.m. on the third working day following the excavator’s locate request.</p> <p><b>§ 56-265.22. (C)</b>  C. The notification center shall notify excavators, within the time frame allowed by the law to mark underground utility lines, of any responses placed on the positive response system by a locator. Such notification shall occur by mutually acceptable means of automatically transmitting and receiving this information.  If the excavator cannot provide the notification center with mutually acceptable means of automatically transmitting and receiving this information, it shall be the excavator’s responsibility to contact the positive response system after the period allowed by law to mark underground facilities and prior to commencing excavation in order to determine if any responses to the notice have been recorded.</p>
<p>Washington</p>	<p><b>19.122.020. (18)</b>  (18) “Notice” or “notify” means contact in person or by telephone or other electronic method, and, with respect to contact of a one-number locator service, also results in the receipt of a valid excavation confirmation code.</p> <p><b>19.122.030. (3)</b>  (3) Upon receipt of the notice provided for in subsection (1) of this section, <b>a facility operator must</b>, with respect to:  (a) The facility operator’s locatable underground facilities, <b>provide the excavator with reasonably accurate information by marking their location;</b>  (b) The facility operator’s unlocatable or identified but unlocatable underground facilities, provide the excavator with available information as to their location; and  (c) Service laterals, designate their presence or location, if the service laterals:  (i) Connect end users to the facility operator’s main utility line; and  (ii) Are within a public right-of-way or utility easement and the boundary of the excavation area identified under subsection (1) of this section.</p> <p><b>19.122.030. (4)</b>  (a) A facility operator must provide information to an excavator pursuant to subsection (3) of this section no later than two business days after the receipt of the notice provided for in subsection (1) of this section or before excavation commences, at the option of the facility operator, unless otherwise agreed by the parties.  (b) A facility operator complying with subsection (3)(b) and (c) of this section may do so in a manner that includes any of the following methods:  (i) Placing within a proposed excavation area a triangular mark at the main utility line pointing at the building, structure, or property in question, indicating the presence of an unlocatable or identified but unlocatable underground facility, including a service lateral;  (ii) Arranging to meet an excavator at a worksite to provide available information about the location of service laterals; or  (iii) Providing copies of the best reasonably available records by electronic message, mail, facsimile, or other delivery method.  (c) A facility operator’s good faith attempt to comply with subsection (3)(b) and (c) of this section:  (i) Constitutes full compliance with the requirements of this section, and no person may be found liable for damages or injuries that may result from such compliance, apart from liability for arranging for repairs or relocation as provided in RCW 19.122.050(2); and  (ii) Does not constitute any assertion of ownership or operation of a service lateral by the facility operator.</p> <p><b>19.122.030. (5)</b></p>

	<p>(5) <b>An excavator must not excavate until all known facility operators have marked or provided information regarding underground facilities as provided in this section.</b></p>
Washington, D.C.	<p><b>§ 34-2704. (c)(1)</b>  (c)(1) If it is determined by a utility operator that a proposed excavation or demolition is planned in such proximity to an underground facility that the underground facility may be damaged, dislocated, or disturbed, the utility operator shall identify the approximate horizontal location of the underground facility on the ground to within 2 feet from the outermost part of the underground facility within 72 hours (excluding Saturdays, Sundays, and legal holidays) by marking, staking, locating, or otherwise providing the location of the utility operator's underground facility. The method of identifying the location shall conform to standards and requirements, including the use of the color-coding system, established in regulations issued by the Mayor.</p> <p><b>§ 34-2704. (c)(3)(3)</b>  (3) After receiving notice from the one-call center as described in subsection (a) of this section, <b>a utility operator shall, within 72 hours, notify the one-call center whether it has marked its underground facilities as required by this section, determined that it has no underground facilities that are required to be marked, or provide another valid response to the status of the ticket.</b> No person may begin excavation or demolition until receiving notification from the one-call center that the notices from the utility operators have been provided.</p> <p><b>§ 34-2710. Public education; advisory committee.</b>  (a) The Mayor may provide education programs, collect and report data, require reporting by entities who are subject to this chapter, and take other action to develop an effective damage prevention program as described in 49 U.S.C. § 60134 and regulations issued to implement 49 U.S.C. § 60134.</p>
West Virginia	<p><b>§ 24C-1-3. (d)</b>  (d) Within 48 hours, excluding Saturdays, Sundays, and legal federal or state holidays, after receipt of a notification by the one-call system from an excavator of a specific area where excavation or demolition will be performed, <b>the operator of underground facilities shall:</b></p> <p>(1) Respond to such notification by providing to the excavator the approximate location, within two feet horizontally from the outside walls of such facilities, and type of underground facilities at the site;</p> <p>(2) Use the color code prescribed in §24C-1-6 of this code when providing temporary marking of the approximate location of underground facilities; and</p> <p>(3) <b>Notify the excavator that the operator did not leave a temporary marking of the location of underground facilities because there are no lines in the area of the proposed excavation or demolition.</b></p>
Wisconsin	<p><b>182.0175 (2m) (a)</b>  (a) Responsibilities. A transmission facilities owner shall do all of the following:</p> <ol style="list-style-type: none"> <li>1. Respond to a planning notice within 10 days after receipt of the notice by conducting field markings, providing records and taking other appropriate responses.</li> <li>2. Respond to an excavation notice within 3 working days by marking the location of transmission facilities and, if applicable, laterals as provided under par. (b) in the area described in the excavation notice.</li> </ol> <p><b>182.0175 (2m) (3)(b)</b>  (b) Facilities marking. A person owning transmission facilities, upon receipt of an excavation notice, shall mark in a reasonable manner the locations of transmission facilities at the area described in the notice to enable the excavator to locate the transmission facilities without endangering the security of the facilities or the public. For purposes of this paragraph, transmission facilities are marked in a reasonable manner if the owner of the transmission facilities locates and marks the transmission facilities to a level of accuracy and precision consistent with national standards.</p>
Wyoming	<p><b>§ 37-12-302. (d)</b>  (d) An operator shall at its expense, upon receipt of the notice provided for in subsection (c) of this section, use reasonable care to mark the location of the underground facilities with stakes, flags, paint or by other clearly identifiable marking within twenty-four (24) inches horizontally from the exterior sides of the operator's underground facilities. The location shall be marked using American Public Works Association uniform color standards. <b>If requested by the excavator, the operator receiving the notice shall advise the excavator of the nature, location, size, function and depth if known, of underground facilities in the proposed excavation area.</b> The operator shall respond no later than two (2) full business days after receipt of the notice from the notification center or at a time otherwise mutually agreed to by the operator and excavator.</p>





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## About Aii

The Alliance for Innovation and Infrastructure (Aii) is an independent, national research and educational organization that explores the intersection of economics, law, and public policy in the areas of climate, damage prevention, energy, infrastructure, innovation, technology, and transportation.

Aii is a think tank consisting of two non-profits: the National Infrastructure Safety Foundation (NISF), a 501(c)(4) social welfare organization, and the Public Institute for Facility Safety (PIFS), a 501(c)(3) educational organization. Both non-profits are legally governed by volunteer boards of directors. These work in conjunction with the Alliance's own volunteer Advisory Council.

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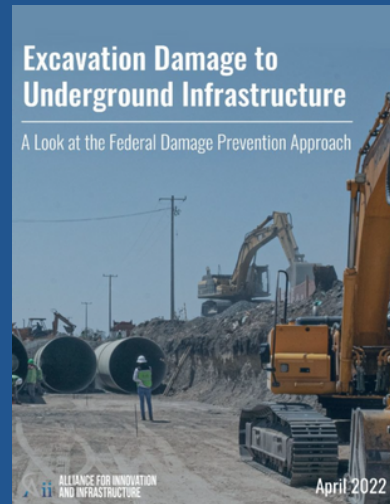
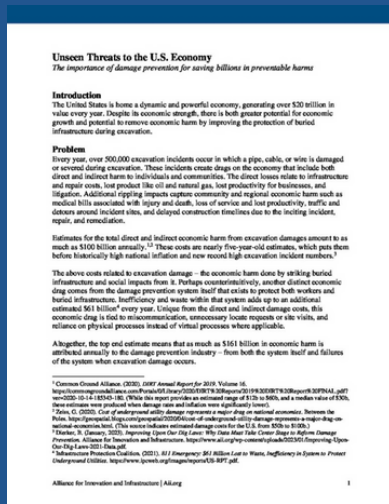
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