

ALABAMA UNDERGROUND DAMAGE PREVENTION AUTHORITY
ADMINISTRATIVE CODECHAPTER 910-X-1
GENERAL PROVISIONS

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910-X-1-.01 Purpose And Statutory Authority.

This chapter establishes the Underground Damage Prevention Authority and its Executive Committee, as created under Code of Ala. 1975, §37-15-10.1, et seq., for the purpose of enforcing Code of Ala. 1975, §37-15-1-10.2, et seq., and for reviewing penalty provisions and the adequacy of the enforcement process. The Authority and its enforcement activities are not intended to be funded by appropriations from the state budget.

Author: Underground Damage Prevention Authority

Statutory Authority: Code of Ala. 1975, §§37-15-10.1, et seq.; 37-15-10.2, et seq.

History: New Rule: Published September 30, 2020; effective November 14, 2020.

910-X-1-.02 Definitions.

(1) Terms in these rules shall be the same definition as found in Code of Ala. 1975, §37-15-2, et seq., or defined below:

(a) Authority - The Underground Damage Prevention Authority created under Code of Ala. 1975, §37-15-10.1, et seq.

(b) Authority Board - The Underground Damage Prevention Board created under Code of Ala. 1975, §37-15-10.1, et seq.

(c) Damage - Includes, but is not limited to, the substantial weakening of structural or lateral support of an underground facility, penetration or destruction of any underground facility's protective coating, housing or other protective device, and the severance (partial or complete) of any underground facility, but does not apply to any operator's abandoned underground facility.

(d) Emergency Excavation or Demolition - An excavation or demolition that is required to eliminate an imminent danger to

life, health, property, or the environment or required for the repair or restoration of operator service that is required to be performed before the notification and response procedures required in Code of Ala. 1975, §37-15-4 and §37-15-6, et seq. may be fully utilized.

(e) Excavate or Excavation - Operation for the purpose of the movement or removal of earth, rock, or other material by mechanized equipment or explosive device and includes, but is not limited to, augering, backfilling, blasting, boring, digging, ditching, drilling, grading, pile-driving, plowing-in, pulling-in, ripping, scraping, sub-soiling, trenching and tunneling. Excavate or excavation does not include routine roadway maintenance activities carried out by or for those responsible for publicly-maintained roadways, provided that the activities occur entirely within the right of way of a public road, street, or highway; are carried out with reasonable care so as to protect any utility facilities placed in the right-of-way by permit; are carried out within the limits of any original excavation on the traveled way, shoulders or drainage ditches of a public road, street, or highway; and, if involving the replacement of existing structures, including traffic control devices, replace such structures in their approximate previous locations and at their approximate previous depth. Excavate or excavation shall not include routine railroad maintenance activities conducted within the track structure and its adjacent right of way, provided the activities are performed by railroad employees or railroad contractors and are carried out with reasonable care so as to protect any underground facilities placed in the railroad right-of-way by agreement with the railroad. Nothing in this chapter shall modify or abrogate any contractual provision entered into between any railroad and any other party owning or operating an underground facility or underground utility lines within the railroad's right-of-way.

(f) Excavator - Any person who engages in excavation.

(g) Executive Committee - The executive committee created under Code of Ala. 1975, §37-15-10.1, et seq.

(h) Frivolous Complaint - A complaint filed with the Authority that is entirely without merit and is made with the intention of causing inconvenience, harassment or expense.

(i) Mark or Marking - The use of stakes, flags, paint, buoys, or clearly identifiable materials placed on the surface of the ground or water to show the approximate location of underground facilities.

(j) Mechanized Equipment - Equipment powered or energized by any motor, engine, hydraulic or pneumatic device and is used for excavation or demolition work including, but not limited

to, tractors, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, pile drivers, drills, cable and pipe plows, or other equipment used for plowing-in or pulling-in cable or pipe.

(k) Near Miss - An event where damage did not occur, but a clear potential for damage was identified.

(l) Noninvasive Method of Excavation - A method of excavation that does not compromise the integrity of the underground facility. These methods include, but are not limited to, hand digging, pot holing, soft digging, vacuum excavation methods, or other methods approved by the operator.

(m) Notification Area - An area or territory which an operator designates as the area where the operator wishes to receive notifications for any excavation in that area. The notification area should encompass the underground distribution system or network of the operator.

(n) Operator - Any person, governmental agency, or political subdivision, or its agents, who owns or operates a public or private underground facility which furnishes services, information, or materials, or transports or transmits electric energy, light, water, steam, oil, gases, gas, mixture of gases, petroleum, petroleum products, hazardous or flammable liquids, toxic or corrosive fluids and gases, or items of like nature and telecommunications, cable television, water, drainage, sewage or other systems of like nature. The term operator does not apply to any entity listed above if all of the underground facilities owned and operated by the entity are for the sole use of the entity and are located solely on the entity's own property or on property over which the entity has rights of operation.

(o) Person - An individual, joint venture, partnership, association, authority, cooperative, firm, corporation, governmental entity, or any subdivision or instrumentality of that entity and its employees, agents, or legal representatives.

(p) Tolerance Zone - The width of the underground facility plus 18 inches on either side of the outside edge of the underground facility on a horizontal plane.

(q) Underground Facility - Any cable, pipeline, duct, wire, conduit, or other similar installation, installed underground or underwater, by which an operator transports or delivers materials, information, or services.

(r) Willful Noncompliance - The intentional refusal or failure to perform, or comply with, a duty created or imposed by this chapter or by the rules promulgated pursuant to this chapter.

Author: Underground Damage Prevention Authority

Statutory Authority: Code of Ala. 1975, §37-15-2.

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