



February 20, 2024

ENGROSSED HOUSE BILL No. 1122

DIGEST OF HB 1122 (Updated February 15, 2024 9:48 am - DI 119)

Citations Affected: IC 8-1.

Synopsis: Underground facility protection. Amends the law governing demolitions and excavations in the area of underground facilities as follows: (1) Provides that for purposes of required notifications regarding excavation or demolition: (A) the time of receipt of a notice is the time as observed in Indianapolis ("prevailing time"); and (B) a "working day" is the period of time beginning at 7 a.m. and ending at 6 p.m. prevailing time. (2) Defines the "tolerance zone" of a physical plant for purposes of the clearance that must be maintained between the physical plant and an excavation or demolition. (3) Provides that the route or boundary of a proposed excavation or demolition may be marked by electronic means approved by the Indiana Underground Plant Protection Service (association). (4) Requires documentation of required actions through submission of electronic positive responses to the association. (5) Provides that: (A) notice of intent to conduct an excavation or demolition must be received by the association not more than 10 calendar days (rather than 20 calendar days, under current law)
(Continued next page)

Effective: January 1, 2025.

DeVon, Negele

(SENATE SPONSORS — DORIOT, NIEZGODSKI, KOCH)

January 8, 2024, read first time and referred to Committee on Utilities, Energy and Telecommunications.

January 23, 2024, amended, reported — Do Pass.

January 25, 2024, read second time, ordered engrossed. Engrossed.

January 29, 2024, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 5, 2024, read first time and referred to Committee on Utilities.

February 19, 2024, reported favorably — Do Pass.

EH 1122—LS 6784/DI 119



Digest Continued

before the commencement of the work; and (B) a notice is considered received by the association at the prevailing time the association receives the notice from the person responsible for the excavation or demolition. (6) Provides that a notice of intent to conduct an excavation or demolition may specify a starting date and time of the excavation or demolition, which may not be later than 10 days after the time of the association's receipt of the notice, and that required notifications, communication, and marking with regard to the excavation or demolition must be completed not later than: (A) the starting date and time specified in the notice, if the notice specifies a starting date and time; or (B) 7 a.m. prevailing time on the next working day that follows the elapse of two full working days after the association's receipt of the notice; whichever is later. (7) Provides that a notice of intent to conduct an excavation or demolition expires at 11:59 p.m. prevailing time 20 days after the date the notice is submitted to the association. (8) Requires that the association develop and implement guidelines to provide notice to an operator regarding the association's receipt of a notice of intent of: (A) an excavation or demolition; or (B) preliminary engineering studies or construction planning activities; at the prevailing time the association receives the notice of intent. (9) Requires a person responsible for an emergency excavation or demolition to provide notice to the association in the manner prescribed by the association. (Under current law, notice of an emergency excavation or demolition must be provided orally.) Makes technical corrections.



February 20, 2024

Second Regular Session of the 123rd General Assembly (2024)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1122

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

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

1 SECTION 1. IC 8-1-26-11.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2025]: **Sec. 11.3. As used in this chapter, "prevailing
4 time" means the time observed in Indianapolis, Indiana.**
5 SECTION 2. IC 8-1-26-11.4 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2025]: **Sec. 11.4. As used in this chapter, "tolerance
8 zone", with respect to a physical plant, means an area extending
9 not less than:**
10 **(1) the width of the underground facilities of the physical**
11 **plant; plus**
12 **(2) two (2) feet;**
13 **above, below, and in a full radius surrounding all outer limits of**
14 **both the underground and aboveground facilities of the physical**
15 **plant.**

EH 1122—LS 6784/DI 119



1 SECTION 3. IC 8-1-26-11.5, AS ADDED BY P.L.62-2009,
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2025]: Sec. 11.5. As used in this chapter, "white lining"
 4 means the act of marking the route or boundary of a proposed
 5 excavation or demolition:

6 (1) ~~with~~ **by means of** white paint, flags, or stakes ~~or by~~
 7 **electronic means approved by the association;** or

8 (2) ~~through a combination of white paint, flags, and stakes; the~~
 9 **means described in subdivision (1);**

10 **before the excavation or demolition.**

11 SECTION 4. IC 8-1-26-12 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 12. As used in
 13 this chapter, "working day" means every day, except Saturday, Sunday,
 14 and state and national legal holidays, **from 7 a.m. to 6 p.m. prevailing**
 15 **time.**

16 SECTION 5. IC 8-1-26-16, AS AMENDED BY P.L.122-2017,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2025]: Sec. 16. (a) Except as provided in section 19 of
 19 this chapter, before commencing an excavation or demolition operation
 20 described in section 14 of this chapter, each person responsible for the
 21 excavation or demolition shall:

22 (1) serve notice on the association of the person's intent to
 23 excavate or demolish; and

24 (2) perform white lining at the site of the excavation or demolition
 25 if the person responsible for the excavation or demolition is
 26 unable to provide to the association the physical location of the
 27 proposed excavation or demolition by one (1) of the following
 28 means:

29 (A) A street address.

30 (B) A legal description of the location.

31 (C) A highway location using highway mile markers or cross
 32 streets.

33 The notice required under subdivision (1) must be received at least two
 34 (2) full working days but not more than ~~twenty (20)~~ **ten (10)** calendar
 35 days before the commencement of the work. **Notice is considered**
 36 **received for purposes of this section at the prevailing time the**
 37 **association receives the notice from the person responsible for the**
 38 **excavation or demolition.**

39 (b) Upon receiving ~~the a~~ notice **under subsection (a)**, the
 40 association immediately shall ~~notify~~ **provide notice of the proposed**
 41 **excavation or demolition to** each **member** operator that has
 42 underground facilities located in the proposed area of excavation or



- 1 demolition.
- 2 (c) A person responsible for excavation or demolition may **not**
 3 commence work before **7 a.m. prevailing time on the next working**
 4 **day that follows the elapse of two (2) full working days after the**
 5 **time of receipt of the person's notice under subsection (a).**
 6 **However, a person responsible for excavation or demolition may**
 7 **commence work before 7 a.m. prevailing time on the next working**
 8 **day that follows the elapse of two (2) full working days after the time**
 9 **of receipt of the person's notice under subsection (a)** if all affected
 10 operators have notified the person provided to the association an
 11 **electronic positive response indicating** that the location of all the
 12 affected operators' facilities have been marked or that the affected
 13 operators have no facilities in the location of the proposed excavation
 14 or demolition.
- 15 ~~(b) After receiving a notice under this section, the association shall~~
 16 ~~provide notice of the proposed excavation or demolition to each~~
 17 ~~member operator that has underground facilities located in the~~
 18 ~~proposed area of excavation or demolition.~~
- 19 ~~(c)~~ (d) A person responsible for demolition must give an operator
 20 a reasonable amount of time, as mutually determined by the operator,
 21 the person responsible for demolition, and the project owner, to remove
 22 or protect the operator's facilities before demolition of the structure is
 23 commenced.
- 24 ~~(d)~~ (e) The notice required by subsection (a) must contain the
 25 following information:
- 26 (1) The name, address, and telephone number of the person
 27 serving the notice, and, if different, the person responsible for the
 28 excavation or demolition.
- 29 (2) The:
- 30 (A) starting date **and time, if known;**
 31 (B) anticipated duration; and
 32 (C) type;
 33 of the excavation or demolition operation to be conducted. **The**
 34 **starting date and time of the excavation or demolition may**
 35 **not be later than ten (10) days after the time of receipt of the**
 36 **notice.**
- 37 (3) The location of the proposed excavation or demolition.
 38 (4) Whether or not explosives or blasting are to be used.
 39 (5) The approximate depth of excavation.
 40 (6) Whether the person responsible for the proposed excavation
 41 or demolition intends to perform white lining at the site of the
 42 proposed excavation or demolition.



1 ~~(e)~~ **(f)** The person responsible for the excavation or demolition shall
 2 submit a separate locate request along with the notice provided under
 3 subsection ~~(d)(3)~~ **(e)(3)** to the association as follows:

4 (1) Within an incorporated area, for each one thousand five
 5 hundred (1,500) linear feet of proposed excavation or demolition.

6 (2) In an unincorporated area, for at least each two thousand six
 7 hundred forty (2,640) linear feet of proposed excavation or
 8 demolition.

9 ~~(f)~~ **(g)** A notice provided under this section by a person responsible
 10 for an excavation or demolition expires **at 11:59 p.m. prevailing time**
 11 twenty (20) days after the date the notice is ~~submitted to~~ **received by**
 12 the association under subsection (a). ~~as determined in the manner~~
 13 ~~specified in section 17(d) of this chapter.~~ If, at the conclusion of the
 14 twenty (20) day period described in this subsection, any part of the
 15 excavation or demolition is not complete at any part of the site for
 16 which the original notice was submitted, the person responsible for the
 17 excavation or demolition may not continue or resume the excavation or
 18 demolition at any part of the site for which the original notice was
 19 submitted until:

20 (1) the person responsible for the excavation or demolition
 21 submits to the association a new locate request, along with a
 22 notice that complies with subsection ~~(d)~~, **(e)**, with respect to that
 23 part of the site for which the excavation or demolition is not
 24 complete; and

25 (2) each affected operator provides facility locate markings in
 26 compliance with section 18 of this chapter for that part of the site
 27 for which the new locate request and notice are submitted under
 28 subdivision (1).

29 ~~(g)~~ **(h)** The association shall maintain an adequate record of ~~the~~
 30 **each** notice required by this section for seven (7) years to document
 31 compliance with this chapter. A copy of the record shall be furnished
 32 to the person giving notice to excavate or demolish upon written
 33 request.

34 ~~(h)~~ **(i)** A person that:

35 (1) causes damage to a pipeline facility located in an area of
 36 excavation or demolition;

37 (2) is required to provide notice under this section for the
 38 excavation or demolition; and

39 (3) fails to provide the notice;

40 may be subject to a civil penalty in an amount recommended by the
 41 advisory committee and approved by the commission, not to exceed ten
 42 thousand dollars (\$10,000).



1 ⊕ (j) A person that:

2 (1) causes damage to a pipeline facility located in an area of
3 excavation or demolition;

4 (2) is required to perform white lining under subsection (a)(2);
5 and

6 (3) fails to perform white lining before an operator of a pipeline
7 facility arrives at the site of the proposed excavation or demolition
8 to mark the operator's pipeline facilities;

9 may be subject to a civil penalty in an amount recommended by the
10 advisory committee and approved by the commission, not to exceed ten
11 thousand dollars (\$10,000).

12 SECTION 6. IC 8-1-26-16.5, AS ADDED BY P.L.122-2017,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2025]: Sec. 16.5. (a) A person responsible for:

15 (1) a construction project; or

16 (2) any other project or operation;

17 that will involve an excavation or demolition operation described in
18 section 14 of this chapter may voluntarily, before commencing
19 preliminary engineering studies or construction planning activities in
20 the project area that will be affected by the excavation or demolition,
21 serve a design information notice on the association of the person's
22 intent to conduct the preliminary engineering studies or construction
23 planning activities. However, not more than two (2) design information
24 notices for the same project and from the same person or source may
25 be submitted in any given one hundred eighty (180) day period.

26 (b) A person that serves a design information notice on the
27 association under this section shall ensure that white lining is
28 performed in the project area that will be affected by the proposed
29 excavation or demolition if the person is unable to provide to the
30 association the physical location of the proposed excavation or
31 demolition by one (1) of the following means:

32 (1) A street address.

33 (2) A legal description of the location.

34 (3) A highway location using highway mile markers or cross
35 streets.

36 (c) A design information notice under this section must be received
37 by the association at least ten (10) full working days but not more than
38 twenty (20) calendar days before the commencement of the preliminary
39 engineering studies or construction planning activities. **A design
40 information notice is considered received for purposes of this
41 section at the prevailing time the association receives the design
42 information notice from the person that serves the design**



1 **information notice under subsection (a).** Upon receiving the design
2 information notice, the association shall immediately:

- 3 (1) ~~notify~~ **provide notice to** each **member** operator that has
4 underground facilities located in the project area that will be
5 affected by the proposed excavation or demolition; and
6 (2) provide the person serving the design information notice a list
7 of the identified operators receiving the notice under subdivision
8 (1).

9 A person responsible for conducting the preliminary engineering
10 studies or construction planning activities may **not** commence work
11 before **7 a.m. prevailing time on the next working day that follows**
12 **the elapse of ten (10) full working days after the time of receipt of**
13 **the design information notice by the association under this**
14 **subsection. However, a person responsible for conducting the**
15 **preliminary engineering studies or construction planning activities**
16 **may commence work before 7 a.m. prevailing time on the next**
17 **working day that follows** the elapse of ten (10) full working days
18 **after the time of receipt of the design information notice by the**
19 **association under this subsection** if all affected operators have
20 notified the person providing the design information notice **provided**
21 **to the association an electronic positive response indicating** that the
22 location of all the affected operators' facilities have been marked or that
23 the affected operators have no facilities in the project area that will be
24 affected by the proposed excavation or demolition.

25 ~~(d)~~ Upon receiving the design information notice, the association
26 shall immediately:

- 27 ~~(1)~~ provide notice of the preliminary engineering studies or
28 construction planning activities to each member operator that has
29 underground facilities located in the project area that will be
30 affected by the proposed excavation or demolition; and
31 ~~(2)~~ provide the person serving the design information notice a list
32 of the identified operators receiving the notice under subdivision
33 ~~(1)~~:

34 ~~(e)~~ **(d)** A design information notice under this section must contain
35 the following information:

- 36 (1) The name, address, and telephone number of the person
37 serving the notice and, if different, contact information for the
38 person responsible for the preliminary engineering studies or
39 construction planning activities.
40 (2) The name of and contact information for the person that will
41 perform the proposed excavation or demolition in connection with
42 the project, if known.



- 1 (3) The starting date, anticipated duration, and type of
 2 engineering studies or construction planning activities, if known.
 3 (4) The location of the proposed excavation or demolition within
 4 the project area.
 5 (5) Whether white lining will be performed at the site of the
 6 proposed excavation or demolition within the project area.
 7 ~~(g)~~ **(e)** Subject to subsection ~~(g)~~; **(f)**, upon receiving notice from the
 8 association under subsection ~~(e)~~ or ~~(f)~~; **(c)**, an operator shall contact
 9 the person serving the design information notice within the time
 10 specified in section ~~18(b)~~ **18(d)** of this chapter and shall do one (1) or
 11 more of the following:
 12 (1) Provide to the person serving the design information notice a
 13 description of all of the operator's underground facilities in the
 14 project area that will be affected by the proposed excavation or
 15 demolition, along with information as to the location of the
 16 facilities. The description and location information provided
 17 under this subdivision may include:
 18 (A) drawings marked with a scale;
 19 (B) dimensions;
 20 (C) reference points for underground facilities already existing
 21 in the area; or
 22 (D) other facility records that are maintained by the operator.
 23 (2) Allow:
 24 (A) the person serving the design information notice; or
 25 (B) another authorized person;
 26 to inspect, at a location that is acceptable to the operator,
 27 drawings or other records for all of the operator's underground
 28 facilities within the project area that will be affected by the
 29 proposed excavation or demolition.
 30 (3) Designate with temporary facility markers the location of all
 31 of the operator's underground facilities within the project area that
 32 will be affected by the proposed excavation or demolition, as
 33 identified in the design information notice.
 34 ~~(g)~~ **(f)** An operator may reject a design information notice served
 35 under this section:
 36 (1) based upon security considerations; or
 37 (2) if producing the information set forth in subsection ~~(f)~~ **(e)** will
 38 place the operator at a competitive disadvantage;
 39 pending the operator obtaining additional information concerning the
 40 legitimacy of the design information notice. If an operator rejects a
 41 design information notice under this subsection, the operator shall
 42 provide notice of the rejection to, and may request additional



1 information from, the person serving the design information notice.

2 ~~(h)~~ (g) The submission of a design information notice under this
3 section does not relieve a person responsible for the excavation or
4 demolition operation involved in the project from providing the notice
5 required under section 16 of this chapter before commencing the
6 excavation or demolition operation.

7 SECTION 7. IC 8-1-26-17, AS AMENDED BY P.L.122-2017,
8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2025]: Sec. 17. (a) An operator that has underground
10 facilities located in Indiana must be a member of the Indiana
11 Underground Plant Protection Service or its successor organization.
12 The articles of incorporation or the bylaws of the Indiana Underground
13 Plant Protection Service or its successor organization shall do the
14 following:

15 (1) Provide that the board of directors of the Indiana Underground
16 Plant Protection Service or its successor organization is composed
17 of:

18 (A) five (5) members representing electric utilities other than
19 municipal electric utilities, including corporations organized
20 or operating under IC 8-1-13 or corporations organized under
21 IC 23-17, some of whose members are local district
22 corporations (as described in IC 8-1-13-23);

23 (B) five (5) members representing investor owned gas utilities,
24 including pipelines;

25 (C) five (5) members representing communications service
26 providers, at least one (1) of whom is a provider of cable
27 television service;

28 (D) five (5) members representing water or sewer utilities
29 other than municipal water or sewer utilities; and

30 (E) five (5) members representing political subdivisions,
31 including municipal utilities, which must include a member
32 representing the largest waterworks utility in Indiana that is
33 owned by:

34 (i) a political subdivision; or

35 (ii) a department of public utilities created by IC 8-1-11.1.

36 (2) Require the affirmative vote of at least sixty percent (60%) of
37 each category of members appointed under subdivision (1) to
38 approve an increase, a decrease, or any other adjustment to the
39 membership dues, rates, tariffs, locate fees, or any other charges
40 imposed by the Indiana Underground Plant Protection Service or
41 its successor organization.

42 (b) The association shall provide for mutual receipt of:



- 1 (1) notices of excavation or demolition operations under section
 2 16 of this chapter; and
 3 (2) design information notices under section 16.5 of this chapter.
 4 (c) The association shall:
 5 (1) annually update the association's base map data, including
 6 street addresses; and
 7 (2) make reasonable efforts to reduce incorrect locate requests
 8 issued to the association's members.
 9 (d) The association shall develop and implement guidelines to
 10 provide ~~that for purposes of providing~~ notice to an operator under
 11 section 16 or 16.5 of this chapter **at the prevailing time of receipt of**
 12 **a the association receives** notice ~~is determined as follows: from the~~
 13 **person responsible for an excavation or demolition.**
 14 ~~(1) For a notice that is received between the hours of 7 a.m. and~~
 15 ~~6 p.m. on a working day; at the time of receipt:~~
 16 ~~(2) For a notice that is received after 6 p.m. on a working day and~~
 17 ~~before 7 a.m. on the following working day; at 7 a.m. on the~~
 18 ~~following working day.~~
 19 (e) The association shall develop and adopt policies and procedures
 20 for processing design information notices under section 16.5 of this
 21 chapter. The policies and procedures adopted under this subsection
 22 must require the association to do the following upon receiving a
 23 design information notice under section 16.5 of this chapter:
 24 (1) Immediately ~~notify~~ **provide notice to** each ~~member~~ operator
 25 that has underground facilities located in the project area that will
 26 be affected by the proposed excavation or demolition, in
 27 accordance with section 16.5(c) ~~or 16.5(d)~~ of this chapter.
 28 (2) Immediately provide the person serving the design
 29 information notice a list of the identified operators receiving the
 30 notice under subdivision (1), in accordance with section 16.5(c)
 31 ~~or 16.5(d)~~ of this chapter.
 32 SECTION 8. IC 8-1-26-18, AS AMENDED BY P.L.122-2017,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2025]: Sec. 18. (a) Subject to subsection ~~(k)~~, each **(m)**,
 35 **an operator notified to which the association provides a notice of**
 36 **intent** under section 16 of this chapter shall **comply with subsection**
 37 **(b)** not later than:
 38 **(1) 7 a.m. prevailing time on the next working day that follows**
 39 **the elapse of** two (2) full working days after ~~receiving the~~
 40 **operator receives** the notice of intent; ~~provided in section 16 of~~
 41 ~~this chapter; or~~
 42 **(2) the starting date and time of the excavation or demolition**



1 **stated in the notice of intent;**
 2 **whichever is later.**

3 **(b) Subject to subsection (m), an operator to which the**
 4 **association provides a notice of intent under section 16 of this**
 5 **chapter shall do the following:**

6 (1) Supply to the person responsible for the excavation or
 7 demolition the following information: ~~using maps when~~
 8 ~~appropriate:~~

9 ~~(1)~~ (A) The approximate location and a description of all the
 10 operator's underground facilities that may be damaged as a
 11 result of the excavation or demolition.

12 ~~(2)~~ (B) The location and description of all facility markers
 13 indicating the approximate location of the underground
 14 facilities.

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

20 **(2) Provide to the association an electronic positive response.**

21 **(c) An operator that receives a notice of intent under section 16**
 22 **of this chapter and that has underground facilities in the location**
 23 **of the proposed excavation or demolition shall provide an**
 24 **electronic positive response to the association, in the manner**
 25 **prescribed by the association, when the operator has provided the**
 26 **marking information required by this chapter. The association**
 27 **shall provide an operator's electronic positive response under this**
 28 **subsection to the person responsible for the excavation or**
 29 **demolition.**

30 ~~(b)~~ (d) Each ~~An operator notified to which the association~~
 31 ~~provides notice~~ under section 16.5 of this chapter of preliminary
 32 engineering studies or construction planning activities shall, not later
 33 than **7 a.m. prevailing time on the next working day that follows the**
 34 **elapse of ten (10) full working days after receiving the design**
 35 **information notice, contact the person serving the design information**
 36 **notice and shall the operator receives the notice, do the following:**

37 (1) Do one (1) or more of the following, in accordance with
 38 section ~~16.5(f)~~ **16.5(e)** of this chapter:

39 (A) Provide to the person serving the design information
 40 notice the approximate location and a description of all the
 41 operator's underground facilities that are located in the project
 42 area that will be affected by the proposed excavation or



- 1 demolition.
- 2 (B) Allow:
- 3 (i) the person serving the design information notice; or
- 4 (ii) another authorized person;
- 5 to inspect, at a location that is acceptable to the operator,
- 6 drawings or other records for all of the operator's underground
- 7 facilities within the project area that will be affected by the
- 8 proposed excavation or demolition.
- 9 (C) Designate with temporary facility markers the location of
- 10 all of the operator's underground facilities within the project
- 11 area that will be affected by the proposed excavation or
- 12 demolition, as identified in the design information notice.
- 13 (2) Using maps when appropriate, provide to the person serving
- 14 the design information notice the location and a description of all
- 15 facility markers indicating the approximate location of the
- 16 underground facilities, if applicable.
- 17 (3) Using maps when appropriate, provide to the person serving
- 18 the design information notice any other information that would
- 19 assist a person in locating the underground facilities during the
- 20 engineering studies or construction planning activities.
- 21 **(4) Provide an electronic positive response to the association.**
- 22 ~~(e)~~ (e) Facility locate markings must consist of paint, flags, or stakes
- 23 or any combination that mark the approximate location of the
- 24 underground facilities. The method of marking must be appropriate for
- 25 the location of the underground facilities.
- 26 ~~(f)~~ (f) Color coding of facility locate markings indicating the type
- 27 of underground facility must conform to the following color coding:
- | Facility and Type of Product | Specific Group
Identifying Color |
|--|-------------------------------------|
| (1) Electric power distribution
and transmission | Safety red |
| (2) Municipal electric systems | Safety red |
| (3) Gas distribution and
transmission | High visibility
safety yellow |
| (4) Oil distribution and
transmission | High visibility
safety yellow |
| (5) Dangerous materials, product
lines, steam lines | High visibility
safety yellow |
| (6) Communications service | |



- 1 systems Safety alert orange
- 2 (7) Cable television Safety alert orange
- 3 (8) Police and fire
- 4 communications Safety alert orange
- 5 (9) Water systems Safety precaution blue
- 6 (10) Sewer systems Safety green
- 7 (11) Proposed excavation White
- 8 ~~(e)~~ **(g)** Each An operator notified to which the association
- 9 **provides a notice of intent** under section 16 of this chapter **and that**
- 10 **has no underground facilities in the location of the proposed**
- 11 **excavation or demolition** shall, not later than:
- 12 **(1) 7 a.m. prevailing time on the next working day that follows**
- 13 **the elapse of two (2) full working days after receiving the**
- 14 **operator receives the notice of intent; provided in section 16 of**
- 15 **this chapter, make a reasonable attempt to provide notification to**
- 16 **the person responsible for the excavation or demolition if or**
- 17 **(2) the starting date and time of the excavation or demolition**
- 18 **stated in the notice of intent;**
- 19 **whichever is later, provide an electronic positive response to the**
- 20 **association indicating that the operator has no underground facilities**
- 21 **in the location of the proposed excavation or demolition. The**
- 22 **association shall provide the operator's electronic positive response**
- 23 **to the person responsible for the excavation or demolition.**
- 24 ~~(f)~~ **(h)** Each An operator notified to which the association provides
- 25 **notice** under section 16.5 of this chapter of preliminary engineering
- 26 **studies or construction planning activities and that has no**
- 27 **underground facilities located in the project area that will be**
- 28 **affected by the proposed excavation or demolition** shall, not later
- 29 **than 7 a.m. prevailing time on the next working day that follows the**
- 30 **elapse of ten (10) full working days after receiving the design**
- 31 **information notice; make a reasonable attempt to notify the person**
- 32 **providing the design information notice under section 16.5 of this**
- 33 **chapter if the operator receives the notice, provide an electronic**
- 34 **positive response to the association indicating that the operator has**
- 35 **no underground facilities located in the project area that will be**
- 36 **affected by the proposed excavation or demolition. The association**
- 37 **shall provide the operator's electronic positive response to the**
- 38 **person that served the design information notice.**
- 39 ~~(g)~~ **(i)** This section does not apply to an operator making a
- 40 **emergency repair to its own underground facility.**
- 41 ~~(h)~~ **(j)** This subsection applies if all of the following occur:
- 42 **(1) An operator of a pipeline facility is required to supply**



1 information, including facility locate markings, under subsection
2 ~~(a)~~ **(b)** to a person responsible for an excavation or demolition.

3 (2) The operator of the pipeline facility fails to supply the:

4 ~~(A)~~ information, ~~described in subdivision (1) or provides~~
5 ~~incorrect facility locate markings. including facility locate~~
6 ~~markings, under subsection (b) to a person responsible for~~
7 ~~an excavation or demolition; or~~

8 ~~(B)~~ **electronic positive response to the association under**
9 **subsection (c).**

10 (3) The operator's pipeline facility is damaged during the
11 excavation or demolition for which the operator was required to
12 supply the information described in subdivision (1).

13 The operator of the pipeline facility may be subject to a civil penalty in
14 an amount recommended by the advisory committee and approved by
15 the commission, not to exceed one thousand dollars (\$1,000).

16 ~~(i)~~ **(k)** Subsection ~~(h)~~ **(j)** does not apply to an operator that:

17 (1) is repairing its own underground facilities; or

18 (2) fails to supply required information or provide facility locate
19 markings due to factors beyond the control of the operator.

20 ~~(j)~~ **(l)** A person that knowingly moves, removes, damages, or
21 otherwise alters a facility locate marking supplied under this section
22 may be subject to a civil penalty in an amount recommended by the
23 advisory committee and approved by the commission, not to exceed ten
24 thousand dollars (\$10,000). This subsection does not apply to a person
25 that moves, removes, damages, or otherwise alters a facility locate
26 marking as part of the excavation or demolition for which the facility
27 locate markings were supplied.

28 ~~(k)~~ **(m)** If an operator receives, under section 16 of this chapter,
29 notice of an excavation or demolition and determines that the operator
30 is unable to do either or both of the following, the operator shall notify
31 the person responsible for the excavation or demolition of the
32 operator's determination and shall provide additional information and,
33 if requested, onsite assistance to the person responsible for the
34 excavation or demolition:

35 (1) Locate and mark the operator's affected underground facilities
36 in the time required by subsection (a).

37 (2) Mark the approximate location of the operator's affected
38 underground facilities.

39 **(n) A person responsible for an excavation or demolition shall,**
40 **before commencing the excavation or demolition, provide an**
41 **affirmative response to the association, in the manner prescribed**
42 **by the association, acknowledging the person's receipt of the**



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information provided under subsections (c) and (g).
(o) An operator to which the association provides notice under section 16 or 16.5 of this chapter shall provide to the association an electronic positive response:

- (1) in the manner prescribed by the association; and
 - (2) including relevant codes detailing work status;
- acknowledging the operator's resolution of the notice. The association shall promptly provide the operator's electronic positive response to the person that served the notice under section 16 or 16.5 of this chapter.

SECTION 9. IC 8-1-26-19, AS AMENDED BY P.L.62-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 19. (a) A person responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, property, or loss of service is not required to comply with the notice requirements of section 16 of this chapter. However, that person shall:

- (1) ~~give~~, as soon as practicable, ~~oral~~ give notice, in the manner prescribed by the association, of the emergency excavation or demolition to the association; and
- (2) request emergency assistance from each operator identified by the association as having underground facilities located in the area of the emergency excavation or demolition in locating and providing immediate protection to the operator's underground facilities.

(b) This section applies to an operator making an emergency repair to its own underground facility.

(c) A person that knowingly provides false notice of an emergency excavation or demolition to the association under subsection (a) may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed one thousand dollars (\$1,000).

SECTION 10. IC 8-1-26-20, AS AMENDED BY P.L.200-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 20. (a) In addition to the notice required in section 16 of this chapter, a person responsible for an excavation or demolition operation under section 14 of this chapter shall do all of the following:

- (1) Plan the excavation or demolition to avoid damage to or minimize interference with underground facilities in and near the construction area.
- (2) Maintain a clearance between an underground facility, as



1 marked by the operator, and the cutting edge or point of
 2 mechanized equipment ~~The clearance must be not less than two~~
 3 ~~(2) feet on either side of the outer limits equal to the tolerance~~
 4 **zone** of the physical plant. ~~However,~~ If the clearance is less than
 5 two (2) feet, or if an underground facility is located or contained
 6 in or under pavement or another manmade hard surface, exposure
 7 of the underground facility may be accomplished only as follows:

8 (A) Only by the use of:

- 9 (i) hand excavation;
 10 (ii) air cutting;
 11 (iii) vacuum excavation; or
 12 (iv) hydro vacuum excavation.

13 (B) Mechanized equipment may not be used within the ~~two (2)~~
 14 ~~feet on either side of the outer limits tolerance zone~~ of the
 15 physical plant unless the person responsible for the excavation
 16 or demolition does the following:

- 17 (i) Visually identifies the precise location of the underground
 18 facilities or visually confirms that no facility is present within
 19 the depth of the excavation.
 20 (ii) Takes reasonable precautions to avoid any substantial
 21 weakening of the underground facilities' structural or lateral
 22 support.
 23 (iii) Takes reasonable precautions to avoid penetration or
 24 destruction of the underground facilities, including their
 25 protective coatings.
 26 (iv) Requires an individual other than the equipment operator
 27 to visually monitor the excavation activity.

28 (C) Mechanized equipment may be used for the initial
 29 penetration and removal of pavement or other manmade hard
 30 surfaces if an underground facility is located or contained in or
 31 under pavement or another manmade hard surface, or if there
 32 is pavement or another manmade hard surface extending up to
 33 ~~two (2) feet from either side of the outer limits the tolerance~~
 34 **zone** of the physical plant, subject to the following:

- 35 (i) The person responsible for the excavation or demolition
 36 must plan the excavation to avoid damage to or minimize
 37 interference with the underground facilities, as required
 38 under subdivision (1).
 39 (ii) The person responsible for the excavation or demolition
 40 must take into account the known limits of control of the
 41 mechanized equipment's cutting edge or point.
 42 (iii) The mechanized equipment may be used only to the



1 depth necessary to remove the pavement or other manmade
2 hard surface.
3 (3) Notify the association if:
4 (A) there is evidence of an unmarked pipeline facility in the
5 area of the excavation or demolition; or
6 (B) the markings indicating the location of an underground
7 facility have become illegible.
8 (b) A person who:
9 (1) violates subsection (a); and
10 (2) causes damage to a pipeline facility in the area of the
11 excavation or demolition;
12 may be subject to a civil penalty in an amount recommended by the
13 advisory committee and approved by the commission, not to exceed ten
14 thousand dollars (\$10,000).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, strike "with" and insert "**by means of**".

Page 2, line 8, after "(2)" insert "**through**".

Page 2, line 8, delete "methods" and insert "**means**".

Page 2, line 35, delete "If the notice is submitted" and insert "**Notice is considered received for purposes of this section at the prevailing time the association receives the notice from the person responsible for the excavation or demolition.**".

Page 2, delete lines 36 through 38.

Page 3, line 2, after "may" insert "**not**".

Page 3, line 3, after "before" insert "**7 a.m. prevailing time on the next working day that follows the elapse of two (2) full working days after the time of receipt of the person's notice under subsection (a). However, a person responsible for excavation or demolition may commence work before 7 a.m. prevailing time on the next working day that follows**".

Page 4, line 6, strike "submitted to" and insert "**received by**".

Page 5, line 33, after "activities." insert "**A design information notice is considered received for purposes of this section at the prevailing time the association receives the design information notice from the person that serves the design information notice under subsection (a).**".

Page 5, line 35, strike "notify" and insert "**provide notice to**".

Page 5, line 35, after "each" insert "**member**".

Page 5, line 42, after "may" insert "**not**".

Page 5, line 42, after "before" insert "**7 a.m. prevailing time on the next working day that follows the elapse of ten (10) full working days after the time of receipt of the design information notice by the association under this subsection. However, a person responsible for conducting the preliminary engineering studies or construction planning activities may commence work before 7 a.m. prevailing time on the next working day that follows**".

Page 6, line 1, after "days" insert "**after the time of receipt of the design information notice by the association under this subsection**".

Page 6, line 2, strike "notified the person providing the design information notice" and insert "**provided to the association an**".



electronic positive response indicating".

Page 6, strike lines 6 through 14.

Page 6, line 15, strike "(e)" and insert "**(d)**".

Page 6, line 30, strike "(f)" and insert "**(e)**".

Page 6, line 30, strike "(g)," and insert "**(f)**".

Page 6, line 31, strike "(c) or (d)," and insert "**(c)**".

Page 7, line 15, strike "(g)" and insert "**(f)**".

Page 7, line 18, strike "(f)" and insert "**(e)**".

Page 7, line 25, strike "(h)" and insert "**(g)**".

Page 9, line 5, strike "notify" and insert "**provide notice to**".

Page 9, line 5, after "each" insert "**member**".

Page 9, line 8, strike "or 16.5(d)".

Page 9, line 12, strike "or 16.5(d)".

Page 9, line 19, after "time" insert "**on the next working day that follows the elapse of**".

Page 10, line 13, after "time" insert "**on the next working day that follows the elapse of**".

Page 10, line 18, strike "16.5(f)" and insert "**16.5(e)**".

Page 11, line 34, after "(1)" insert "**7 a.m. prevailing time on the next working day that follows the elapse of**".

Page 12, line 8, after "than" insert "**7 a.m. prevailing time on the next working day that follows the elapse of**".

and when so amended that said bill do pass.

(Reference is to HB 1122 as introduced.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred House Bill No. 1122, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1122 as printed January 23, 2024.)

KOCH, Chairperson

Committee Vote: Yeas 9, Nays 0

EH 1122—LS 6784/DI 119

