

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.

HOUSE ENROLLED ACT No. 1122

AN ACT to amend the Indiana Code concerning utilities.

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

SECTION 1. IC 8-1-26-11.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: **Sec. 11.3. As used in this chapter, "prevailing time" means the time observed in Indianapolis, Indiana.**

SECTION 2. IC 8-1-26-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: **Sec. 11.4. As used in this chapter, "tolerance zone", with respect to a physical plant, means an area extending not less than:**

- (1) the width of the underground facilities of the physical plant; plus**
- (2) two (2) feet;**

above, below, and in a full radius surrounding all outer limits of both the underground and aboveground facilities of the physical plant.

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

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

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

before the excavation or demolition.

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

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

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

(2) 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:

(A) A street address.

(B) A legal description of the location.

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

The notice required under subdivision (1) must be received at least two (2) full working days but not more than ~~twenty (20)~~ **ten (10)** calendar days before the commencement of the work. **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.**

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

(c) A person responsible for excavation or demolition may **not** commence work before **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).**

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However, a person responsible for excavation or demolition may commence work before 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) if all affected operators have notified the person provided to the association an electronic positive response indicating that the location of all the affected operators' facilities have been marked or that the affected operators have no facilities in the location of the proposed excavation or demolition.

~~(b)~~ After receiving a notice under this section, the association shall provide notice of the proposed excavation or demolition to each member operator that has underground facilities located in the proposed area of excavation or demolition.

~~(c)~~ **(d)** A person responsible for demolition must give an operator a reasonable amount of time, as mutually determined by the operator, the person responsible for demolition, and the project owner, to remove or protect the operator's facilities before demolition of the structure is commenced.

~~(d)~~ **(e)** The notice required by subsection (a) must contain the following information:

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

(2) The:

(A) starting date **and time, if known;**

(B) anticipated duration; and

(C) type;

of the excavation or demolition operation to be conducted. **The starting date and time of the excavation or demolition may not be later than ten (10) days after the time of receipt of the notice.**

(3) The location of the proposed excavation or demolition.

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

(5) The approximate depth of excavation.

(6) Whether the person responsible for the proposed excavation or demolition intends to perform white lining at the site of the proposed excavation or demolition.

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

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

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

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

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

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

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

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

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

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

(3) fails to provide the notice;

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).

~~(i)~~ **(j)** A person that:

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

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



(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;
 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).

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

- (1) a construction project; or
- (2) any other project or operation;

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

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

- (1) A street address.
- (2) A legal description of the location.
- (3) A highway location using highway mile markers or cross streets.

(c) A design information notice under this section must be received by the association at least ten (10) full working days but not more than twenty (20) calendar days before the commencement of the preliminary engineering studies or construction planning activities. **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).** Upon receiving the design information notice, the association shall immediately:

- (1) **notify provide notice to** each **member** operator that has underground facilities located in the project area that will be affected by the proposed excavation or demolition; and

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- (2) provide the person serving the design information notice a list of the identified operators receiving the notice under subdivision (1).

A person responsible for conducting the preliminary engineering studies or construction planning activities may **not** commence work before **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 the elapse of ten (10) full working days after the time of receipt of the design information notice by the association under this subsection** if all affected operators have notified the person providing the design information notice **provided to the association an electronic positive response indicating** that the location of all the affected operators' facilities have been marked or that the affected operators have no facilities in the project area that will be affected by the proposed excavation or demolition.

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

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

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

- (1) The name, address, and telephone number of the person serving the notice and, if different, contact information for the person responsible for the preliminary engineering studies or construction planning activities.
 (2) The name of and contact information for the person that will perform the proposed excavation or demolition in connection with the project, if known.
 (3) The starting date, anticipated duration, and type of engineering studies or construction planning activities, if known.
 (4) The location of the proposed excavation or demolition within the project area.
 (5) Whether white lining will be performed at the site of the



proposed excavation or demolition within the project area.

~~(f)~~ **(e)** Subject to subsection ~~(g)~~, **(f)**, upon receiving notice from the association under subsection ~~(e)~~ or ~~(d)~~, **(c)**, an operator shall contact the person serving the design information notice within the time specified in section ~~18(b)~~ **18(d)** of this chapter and shall do one (1) or more of the following:

(1) Provide to the person serving the design information notice a description of all of the operator's underground facilities in the project area that will be affected by the proposed excavation or demolition, along with information as to the location of the facilities. The description and location information provided under this subdivision may include:

- (A) drawings marked with a scale;
- (B) dimensions;
- (C) reference points for underground facilities already existing in the area; or
- (D) other facility records that are maintained by the operator.

(2) Allow:

- (A) the person serving the design information notice; or
- (B) another authorized person;

to inspect, at a location that is acceptable to the operator, drawings or other records for all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition.

(3) Designate with temporary facility markers the location of all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition, as identified in the design information notice.

~~(g)~~ **(f)** An operator may reject a design information notice served under this section:

- (1) based upon security considerations; or
- (2) if producing the information set forth in subsection ~~(f)~~ **(e)** will place the operator at a competitive disadvantage;

pending the operator obtaining additional information concerning the legitimacy of the design information notice. If an operator rejects a design information notice under this subsection, the operator shall provide notice of the rejection to, and may request additional information from, the person serving the design information notice.

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

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excavation or demolition operation.

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

- (1) Provide that the board of directors of the Indiana Underground Plant Protection Service or its successor organization is composed of:
 - (A) five (5) members representing electric utilities other than municipal electric utilities, including corporations organized or operating under IC 8-1-13 or corporations organized under IC 23-17, some of whose members are local district corporations (as described in IC 8-1-13-23);
 - (B) five (5) members representing investor owned gas utilities, including pipelines;
 - (C) five (5) members representing communications service providers, at least one (1) of whom is a provider of cable television service;
 - (D) five (5) members representing water or sewer utilities other than municipal water or sewer utilities; and
 - (E) five (5) members representing political subdivisions, including municipal utilities, which must include a member representing the largest waterworks utility in Indiana that is owned by:
 - (i) a political subdivision; or
 - (ii) a department of public utilities created by IC 8-1-11.1.
- (2) Require the affirmative vote of at least sixty percent (60%) of each category of members appointed under subdivision (1) to approve an increase, a decrease, or any other adjustment to the membership dues, rates, tariffs, locate fees, or any other charges imposed by the Indiana Underground Plant Protection Service or its successor organization.
- (b) The association shall provide for mutual receipt of:
 - (1) notices of excavation or demolition operations under section 16 of this chapter; and
 - (2) design information notices under section 16.5 of this chapter.
- (c) The association shall:
 - (1) annually update the association's base map data, including

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street addresses; and

(2) make reasonable efforts to reduce incorrect locate requests issued to the association's members.

(d) The association shall develop and implement guidelines to provide ~~that for purposes of providing~~ notice to an operator under section 16 or 16.5 of this chapter **at the prevailing time of receipt of a the association receives notice is determined as follows: from the person responsible for an excavation or demolition.**

(1) For a notice that is received between the hours of 7 a.m. and 6 p.m. on a working day; at the time of receipt.

(2) For a notice that is received after 6 p.m. on a working day and before 7 a.m. on the following working day, at 7 a.m. on the following working day.

(e) The association shall develop and adopt policies and procedures for processing design information notices under section 16.5 of this chapter. The policies and procedures adopted under this subsection must require the association to do the following upon receiving a design information notice under section 16.5 of this chapter:

(1) Immediately ~~notify~~ **provide notice to** each ~~member~~ operator that has underground facilities located in the project area that will be affected by the proposed excavation or demolition, in accordance with section 16.5(c) ~~or 16.5(d)~~ of this chapter.

(2) Immediately provide the person serving the design information notice a list of the identified operators receiving the notice under subdivision (1), in accordance with section 16.5(c) ~~or 16.5(d)~~ of this chapter.

SECTION 8. IC 8-1-26-18, AS AMENDED BY P.L.122-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 18. (a) Subject to subsection ~~(k)~~, **each (m), an operator notified to which the association provides a notice of intent** under section 16 of this chapter shall **comply with subsection (b)** not later than:

(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; ~~provided in section 16 of this chapter; or~~

(2) **the starting date and time of the excavation or demolition stated in the notice of intent;**

whichever is later.

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

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

~~(1)~~ (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.

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

~~(3)~~ (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.

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

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

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

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

(B) Allow:

- (i) the person serving the design information notice; or
- (ii) another authorized person;

to inspect, at a location that is acceptable to the operator,



drawings or other records for all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition.

(C) Designate with temporary facility markers the location of all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition, as identified in the design information notice.

(2) Using maps when appropriate, provide to the person serving the design information notice the location and a description of all facility markers indicating the approximate location of the underground facilities, if applicable.

(3) Using maps when appropriate, provide to the person serving the design information notice any other information that would assist a person in locating the underground facilities during the engineering studies or construction planning activities.

(4) Provide an electronic positive response to the association.

(e) Facility locate markings must consist of paint, flags, or stakes or any combination that mark the approximate location of the underground facilities. The method of marking must be appropriate for the location of the underground facilities.

(f) Color coding of facility locate markings indicating the type 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 systems	Safety alert orange
(7) Cable television	Safety alert orange
(8) Police and fire communications	Safety alert orange
(9) Water systems	Safety precaution blue



- (10) Sewer systems Safety green
- (11) Proposed excavation White

~~(e)~~ **(g) Each An operator notified to which the association provides a notice of intent under section 16 of this chapter and that has no underground facilities in the location of the proposed excavation or demolition shall, not later than:**

- (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; provided in section 16 of this chapter; make a reasonable attempt to provide notification to the person responsible for the excavation or demolition if or**
- (2) the starting date and time of the excavation or demolition stated in the notice of intent;**

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.

~~(f)~~ **(h) Each An operator notified to which the association provides notice under section 16.5 of this chapter of preliminary engineering studies or construction planning activities and that has no underground facilities located in the project area that will be affected by the proposed excavation or demolition shall, not later than 7 a.m. prevailing time on the next working day that follows the elapse of ten (10) full working days after receiving the design information notice; make a reasonable attempt to notify the person providing the design information notice under section 16.5 of this chapter if the operator receives the notice, provide an electronic positive response to the association indicating that the operator has no underground facilities located in the project area that will be affected by the proposed excavation or demolition. The association shall provide the operator's electronic positive response to the person that served the design information notice.**

~~(g)~~ **(i) This section does not apply to an operator making an emergency repair to its own underground facility.**

~~(h)~~ **(j) This subsection applies if all of the following occur:**

- (1) An operator of a pipeline facility is required to supply information, including facility locate markings, under subsection ~~(a)~~ (b) to a person responsible for an excavation or demolition.**
- (2) The operator of the pipeline facility fails to supply the:**
 - (A) information, described in subdivision (1) or provides incorrect facility locate markings; including facility locate**



markings, under subsection (b) to a person responsible for an excavation or demolition; or
(B) electronic positive response to the association under subsection (c).

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

The operator of the pipeline facility 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).

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

- (1) is repairing its own underground facilities; or
- (2) fails to supply required information or provide facility locate markings due to factors beyond the control of the operator.

~~(j)~~ **(l)** A person that knowingly moves, removes, damages, or otherwise alters a facility locate marking supplied under this section 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). This subsection does not apply to a person that moves, removes, damages, or otherwise alters a facility locate marking as part of the excavation or demolition for which the facility locate markings were supplied.

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

- (1) Locate and mark the operator's affected underground facilities in the time required by subsection (a).
- (2) Mark the approximate location of the operator's affected underground facilities.

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

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(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 marked by the operator, and the cutting edge or point of mechanized equipment ~~The clearance must be not less than two~~ **(2) feet on either side of the outer limits equal to the tolerance zone** of the physical plant. ~~However,~~ If the clearance is less than two (2) feet, or if an underground facility is located or contained

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in or under pavement or another manmade hard surface, exposure of the underground facility may be accomplished only as follows:

(A) Only by the use of:

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

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

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

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

- (i) The person responsible for the excavation or demolition must plan the excavation to avoid damage to or minimize interference with the underground facilities, as required under subdivision (1).
- (ii) The person responsible for the excavation or demolition must take into account the known limits of control of the mechanized equipment's cutting edge or point.
- (iii) The mechanized equipment may be used only to the depth necessary to remove the pavement or other manmade hard surface.

(3) Notify the association if:

- (A) there is evidence of an unmarked ~~pipeline~~ facility in the area of the excavation or demolition; or



(B) the markings indicating the location of an underground facility have become illegible.

(b) A person who:

(1) violates subsection (a); and

(2) causes damage to a pipeline facility in the area of the excavation or demolition;

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).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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