

## **Utility Requirements**

- **Mandatory Positive Response – PIPES**

Positive response is the communication by the utilities, or their locators, to the excavator regarding the status of the field markings. This communication is facilitated, in most cases, by Diggers Hotline, although some utilities decide to send PRS information directly to the excavator, typically in the form of an email. There is no current law requirement for positive response, although many utilities/locators are currently using PRS.

Changes to the law regarding positive response, could include the following items:

- Mandate proper response
- Bi-Directional Communication
- Require Excavators to View PRS
- Allowing utilities/locators to offer an extension to the start date and time and excavators to accept or reject it.
- Require notification from utility/locator to excavator if locate request will not be completed on time.

- **Potholing**

Current law requires any excavator to hand dig within 18" of either side of a facility marking. This has been problematic for certain excavators, such as the road builders, because they can have long stretches of excavation where it is just not feasible to hand dig the entire corridor along a marked facility. The discussion centers around whether there is a compromise which can be reached regarding how often an excavator has to pothole to meet this hand digging requirement?

Items to discuss regarding this issue are:

- Is there an acceptable distance between potholes which can be agreed upon to satisfy the hand digging requirement? For example, pothole every 20 feet, 50 feet, etc?
- There will likely need to be an official definition of potholing for the law.
- Would it be better to make this potholing a requirement in the law, or only define it for the PSC to utilize, at their discretion, in the enforcement investigation guidelines?

- **Improving Utility Maps**

There is currently no law dictating how the utilities build and maintain their facility mapping databases or what the quality of that data should be. Locators, excavators, and planners all have raised concerns about the quality of the current utility maps and the inability to use those maps effectively. Technology is advancing in ways which could drastically improve safety and efficiency, and utility mapping is a big part of that discussion.

The items to discuss regarding this issue are:

- Requiring X, Y, & Z coordinates
- Grandfather current facilities, require only on new
- Review law passed recently in Minnesota regarding utility mapping and learn from their process.

- **Ticket Screening Requirements**

Utility ticket screening software usage had increased significantly over the past few years. This system is designed to determine which tickets require locating and which do not. These systems have, in some cases, created inefficiency and confusion in the field for excavators. Too often there are indicators of underground lines and no markings, and contract locators often have no idea why because the ticket was screened by the utility before it got to the locator. The utility companies using screening often are not forthcoming on how or what their systems are screening.

Some items to be discussed on this issue are:

- Should something be done regarding ticket screening, or would any issues regarding screening be handled in other areas of the law?
- Should utilities be able to screen tickets based on the type of work?
- Should utilities be allowed to screen out locations where facilities exist?

- **Require Training for Locate Professionals – PIPES**

Currently, utilities and locate companies create their own training programs for the locating staff. There is no uniform training code or certification for locators.

This discussion will center around the following items:

- What training should be required for locators? Should the CGA best practices be the focal point?
- Who determines the training program?
- Who conducts the training?
- What are the ramifications if a locator does not receive that training?
- Should there be a certification process associated with this training process?

- **Formal utility requirements regarding abandon lines**

Abandoned lines have created issues in the field for years.

Questions to consider would be:

- Should this subcommittee discuss some law requirement regarding abandoned facilities?
- What should the requirement be?
- There would need to be a grandfathering of current abandoned facilities.

- **Tracer wires on sewer/water**

In a previous law change, the following requirement was added to the law regarding locating of sewer and water laterals:

**(2r)** FACILITIES INSTALLED AFTER DECEMBER 31, 2006. Any person who, after December 31, 2006, installs a nonconductive water or sewer lateral shall also install a locating wire or other equally effective means for marking the location of the lateral. The requirement shall not apply to minor repairs to, or partial replacements of, laterals installed before January 1, 2007.

There are some questions and concerns about whether or not this is actually occurring, despite the legal requirement. The subcommittee can investigate whether this is occurring and determine if the law needs to be further defined, or just needs to be enforced as part of the new enforcement process.

## **Excavator Requirements**

- **Mandatory White Lining (Virtual or Actual)**

White lining refers to the practice of excavators/planners identifying the area where the work is taking place, so locating is easier and more defined. There are 2 types of white lining: Actual white lining and virtual white lining. Actual White Lining involves the excavator using white paint, flags, or stakes at the worksite to define the area where digging will occur. Virtual White Lining uses software, in the one call process, where the excavator can define the area on a computer map and that map is then visible to locators.

Items to discuss:

- Should white lining be mandated?
- What type of white lining, or both options?
- There have been issues raised in the past by locators as the effectiveness and benefit of virtual white lining.
- Should all excavators be required to white line, or should, for example, homeowners be exempt?

- **Mandate Maintaining of Markings**

Maintaining the markings refers to excavators, at the worksite, using some means to protect markings from being removed or destroyed, and thus being able to continue to identify where those utility markings are present. This can be done in a variety of ways, such as using offset markings, replacing flags and paint with more durable marking options, like stakes, or using GIS systems to map the markings and maintain their own mapping database.

Items to discuss:

- Should maintaining markings be mandated?
- Should this be required for all callers or just professional excavators?
- What methods of maintaining markings will be acceptable?
- Will utilities respect GIS maintenance of markings?

- **Ticket Lifespan Requirement – PIPES**

Currently in Wisconsin, we do not technically have a ticket lifespan. Our law says that markings are good for 10 calendar days if work has not begun within 10 days or work has stopped for more than 10 days. Tickets can actually be valid forever if work starts within 10 days of the start date and time, has not stopped for more than 10 days, and the markings are maintained and visible. Other states have implemented a ticket lifespan. In other words, a ticket is only valid for a period of time, and when that time is up, another ticket is necessary. The benefits of this law are often explained as forcing markings to be refreshed and helping excavators keep track of only the work which is ongoing by forcing them to review all their tickets to see which ones need to be renewed.

- Is this something we should implement here in Wisconsin?
- If so, what would be the best amount of time for tickets to be valid?
- Are there concerns this could lead to more tickets being filed?

- **Size Limitations for Tickets – PIPES**

Currently in Wisconsin, there are some ticket size limitations. The basic limitation is one address/lot per ticket. There are a few odd ticket types which allow for greater areas, such as Stretch of Road tickets and Multiple Dig Site tickets, but the vast majority of tickets fall under the one address/one ticket rule. The problem with this is lots can vary in size. A municipal lot might be a quarter acre or less. A rural farm property could be huge. Many states have fixed size limitations for tickets.

- Is this something we should implement here in Wisconsin?
- If so, what should be the size limitations?
- Should the size limitations be different for urban vs rural areas?

## **Requirement for Both**

- **Enforcement for all facility types**

Wisconsin Law currently only has enforcement for situations involving gas or hazardous materials facilities. The other facility types, in effect, have no enforcement.

- Should enforcement be extended to all facility types?

- **PSC Managing Enforcement**

Other states with better enforcement laws utilize a central, governmental agency to investigate and rule on enforcement issues. In Illinois it is the Illinois Commerce

Commission. In Minnesota, it is the MN Office of Pipeline Safety. In Wisconsin, the best option seems to be the Public Service Commission.

- Uncertain if the PSC is willing to be that enforcing agency. PSC does not comment or express opinion on legislation until it has been officially proposed.
- Funding typically is the main issue for taking on the extra work.
- Process needs to be faster. Current enforcement rulings from the PSC can take over a year to be handed down.
- Some way to protect the complainant. Excavators are hesitant, at times, to file complaints, especially if they work for the utility companies.
- Appeal panel of stakeholders. This panel should be made up of a wide selection of stakeholders, perhaps similar to the current enforcement panel.

- **48hour+ Start Dates and Times**

Wisconsin law allows utilities 72 working hours to locate their facilities. That clock starts when the ticket is finalized with Diggers Hotline. For example, if a ticket is submitted at 9am on a Monday, the start date and time will be 9am on Thursday. This creates scenarios where all tickets have very specific start dates and times throughout the day, which can create scheduling difficulties for locators. Other states have been moving to what is called a 48 hour+ start date and time. In these cases, all tickets clear at a fixed time, for example any ticket filed on a given day has 48hours+ from midnight that day. If a ticket is filed at 9am or 4pm on a Monday. Start date and time would be Thursday at 12:01am. This has been shown to improve locator scheduling.

Some other items to consider:

- Eliminate short notice relocations except No-Show. Short notice relocations are the most difficult scheduling roadblock for locators. If the general wait period for tickets is reduced from 72 working hours to 48+, is it fair to eliminate short notice relocations like the Crew on Site and 24 hour?
- Generally speaking, 80-85% of all tickets are 72 working hour tickets. Only 7-8% of all tickets are Crew on Site or 24 hour relocations. Do utilities/locators really want to sacrifice faster response times for 80-85% of tickets, just to get rid of 7-8% of the problematic tickets?

- **Penalties**

The current penalties in the law are defined as, “the commission may directly assess a forfeiture of no more than \$25,000 for each violation of this section against a person who knew or should have known that the person’s action was in violation of this section. Each day of continued violation constitutes a separate violation. No person may be required by the commission to forfeit an amount exceeding \$500,000 for a single persisting violation. The commission shall remit the forfeitures to the secretary of administration for deposit in the school fund. No other forfeiture may be imposed for violating this section c.”

The items to discuss are:

- Are those penalties sufficient?
- Should the language be changed slightly so the PSC can collect fines to cover their costs for being the enforcement agency?
- Penalties are common, but those typically go to governmental general funds, covering the cost of enforcement, and damage prevention efforts. That money often does not go to the actual affected parties. Should the Wisconsin law have options for excavators to be awarded money for their downtime, and/or for utilities ability to bill for ticket abuse?

- **Mandatory Damage Reporting – PIPES**

Other states require damages to be reported to a central database. That database can be hosted by the one call, or, more commonly, the CGA DIRT site is utilized as the central repository. Requiring damage reporting is useful in generating damage statistics and reporting, as well as helping utilities and the one call to target education in areas where it is most needed.

Some items to consider:

- Most states require excavators and utilities to both report damages, that way the process isn't just one-sided.
- Is the CGA site sufficient for the reporting?

- **Fixing Advance Start Date Language**

There is a section in the current law which creates confusion and likely does not adhere to the intent of that section. Diggers Hotline currently allows excavators to set their start date and time up to 30 calendar days out from the current date and time. We call that an "advanced start date." This allows excavators to schedule their work and choose the day their work is actually starting instead of just getting the minimum 3-working days. However, Diggers Hotline recently discovered there is verbiage in the law which clouds the advanced start day policy. Here is the verbiage from 182.0175.

"The marking of facilities shall be completed within 3 working days after receipt of the notice, or if notice is given more than 10 days before excavation is scheduled to begin, marking shall be completed at least 3 working days before excavation is scheduled to begin."

The second half of that statement is the issue. It says locators have to locate 3 working days before the advanced start date if that date is more than 10 days from the day the ticket is filed. This is confusing and contradicts the start date and time on the ticket. It should be corrected to say, "The marking of facilities shall be completed within 3 working days after receipt of the notice, or by the start date and time specified if advance notice beyond 3 working days is provided by the excavator."

- **Clarify Valid Markings 10-day rule**

In the current law, it says excavators shall, "Provide a repeat notice to the one-call system if marks are destroyed or covered by excavation site activities, if the excavation

does not start within 10 days of the scheduled start date or if excavation is interrupted for more than 10 days.”

Diggers Hotline has taken that verbiage to mean a ticket is “Valid” if work starts within that 10-day window after the start date and time and work does not stop for more than 10 days at any point. If a ticket is “Valid” excavators are only required to relocate their ticket if markings become missing or destroyed. It seems pretty straightforward, however we have heard reports that some utilities, typically when billing for a damage, will claim that the excavator is liable for the damage simply because the ticket was older than 10 calendar days. This may need to be clarified so utilities cannot make that claim.

This would be a moot point if a ticket lifespan is implemented.

- **Required ticket data changes**

More flexibility around what needs to be provided on tickets.

- For example, do we really need intersecting road or distance and direction any longer?
- Adding option for lat/lon coordinates instead of addressing information.