

## State Damage Prevention Law Summary

State: **Alaska**

(Link to State law provided in Law & Regulation section below)

Summary Date: **8/7/2017**

<b>Excavator Requirments</b>	
<b>Excavation: Definition</b>	AK Statute Sec. 42.30.490. (3) "excavation" means (A) an activity in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means; (B) road maintenance that changes the original road grade; (C) demolition or movement of earth by equipment, tools, or explosive device except tilling of the soil less than 12 inches in depth for agricultural purposes;
<b>Excavator: Definition</b>	AK Statute Sec. 42.30.490. (4) "excavator" means a person who conducts excavation in the state;
<b>Excavator Notice to One Call Required (Yes / No)</b>	Yes
<b>Excavator Notice Minimum # Working Days Before Digging</b>	2
<b>Excavator Notice (Specific Language)</b>	AK Statute Sec. 42.30.400. Excavator's notice of proposed excavation. (a) Before beginning an excavation, an excavator shall give notice of the proposed excavation to each underground facility operator who has an underground facility in the area of the proposed excavation and request the operator to field mark the location of its underground facility. The excavator shall notify an underground facility operator who subscribes to a notification center by giving notice to the center. The excavator shall notify an underground facility operator listed in the applicable telephone directory who is not a subscriber to a notification center by giving notice directly to the operator. (b) Except in the case of an emergency locate request or a request to locate in a remote, unstaffed, or inaccessible location, the excavator shall notify an underground facility operator who may have a facility in the area of a proposed excavation at least two but not more than 15 working days before the date scheduled for beginning the excavation. In the case of a request to locate in a remote or unstaffed location, the excavator shall notify the operator at least 10 but not more than 20 working days before the scheduled date for beginning excavation. (c) In an emergency, the excavator shall immediately notify each underground facility operator in the area of the emergency and of the need for the excavation and request prompt location of underground facilities.
<b>Ticket Life (# of days)</b>	Not addressed.
<b>White-Line Required (Yes / No)</b>	No
<b>Tolerance Zone</b>	AK Statute Sec. 42.30.410 (c). The field marks for an underground facility buried 10 feet deep or less must be located within 24 horizontal inches of the outside dimensions of the facility. For a facility buried deeper than 10 feet, the operator shall locate the field marks within 30 horizontal inches of the outside dimensions of the facility.
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	AK Statute Sec. 42.30.430. Obligations concerning the conduct of excavations. (a) An excavator shall use reasonable care to avoid damaging an underground facility. The excavator shall (1) determine, without damage to the facility, the precise location of an underground facility whose location has been marked; (2) plan the excavation to avoid damage to and minimize interference with an underground facility in or near the excavation area; and (3) to the extent necessary to protect a facility from damage, provide support for an underground facility in and near the construction area during the excavation.
<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	No
<b>Preserve / Maintain Marks Required (Yes / No)</b>	Yes
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	Yes. (AK Statute Sec. 42.30.410 (f), (h))
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	No
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	No

<b>Separate Locate Request Required for Each Excavator (Yes / No)</b>	No
<b>Notify Operator of Damage (Yes / No)</b>	Yes. (AK Statute Sec. 42.30.430 (b))
<b>Notify One Call Center of Damage (Yes / No)</b>	No
<b>Call 911 if Hazardous Materials Released (Yes / No)</b>	No
<b>Notice Exemptions (Yes / No)</b>	Yes
<b>Notice Exemptions (Specific Language)</b>	AK Statute Sec. 42.30.490 (c). The statutory definition of excavation excludes "tilling of the soil less than 12 inches in depth for agricultural purposes." § 42.30.450. An operator and an excavator may, by written agreement, waive the requirements of AS 42.30.400 - 42.30.490 that the excavator notify the operator of planned excavations and that the operator locate underground facilities. The agreement must identify the geographic areas to which the waiver applies and the time period for which the waiver is valid.
<b>Operator Response</b>	
<b>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</b>	2
<b>Operator Requirements to Respond to Locate Notification (Specific Language)</b>	AK Statute Sec. 42.30.410 (d): Except for an underground facility in a remote, unstaffed, or inaccessible location, an underground facility operator shall respond to a request to locate promptly. A response is considered prompt if it is made within two working days after the operator receives the request or at a later time so long as the response occurs before the beginning of the excavation. For an underground facility in an inaccessible, remote or unstaffed location, the operator shall respond within 10 working days after the operator receives the request or at a later time so long as the response occurs before the beginning of the excavation.
<b>Minimum Standards for Locator Qualifications (Yes / No)</b>	No
<b>Minimum Standards for Locator Qualifications (Specific Language)</b>	Not addressed.
<b>Law Specifies Marking Standards Other Than Color (Yes / No)</b>	No
<b>Law Specifies Marking Standards Other Than Color (Specific Language)</b>	AK Statute Sec. 42.30.410 (c) - ...The operator shall use stakes, paint, or other clearly identifiable material to show the field location of the underground facility. The marker used to designate the approximate location of an underground facility must follow the current color code standard used by the American Public Works Association.
<b>Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)</b>	No
<b>Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)</b>	No
<b>Operator Must Locate Abandoned Facilities (Specific Language)</b>	Not addressed.
<b>Positive Response Required - Operator Contact Excavator (Yes / No)</b>	Yes

<b>Positive Response Required - Operator Contact Excavator (Specific Language)</b>	AK Statute Sec. 42.30.410 (b) - When an underground facility operator receives a request to locate, it shall notify the excavator of the location of the underground facilities that the operator is able to field mark with reasonable accuracy and field mark those facilities. If the operator owns, uses, or operates an underground facility that is identified as being in the area of the proposed excavation but that the operator cannot field mark with reasonable accuracy, the operator shall provide the excavator with the best information available to the operator about its location and shall provide on-site assistance until the facility is located or until the excavator no longer needs assistance in locating that facility.
<b>Positive Response Required - Operator Contact One Call Center (Yes / No)</b>	No
<b>Positive Response Required - Operator Contact One Call Center (Specific Language)</b>	Not addressed
<b>Positive Response - One-Call Automated (Yes / No)</b>	No
<b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)</b>	No
<b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)</b>	Not addressed.
<b>Operator Must Update Information On Locations of Buried Facilities (Yes / No)</b>	No
<b>Operator Must Update Information On Locations of Buried Facilities (Specific Language)</b>	Not addressed.
<b>New Facilities Must Be Locatable Electronically (Yes / No)</b>	No
<b>New Facilities Must Be Locatable Electronically (Specific Language)</b>	Not addressed.
<b>Design Request (Yes / No)</b>	No
<b>One Call, Enforcement, and Reporting</b>	
<b>Mandatory One Call Membership (Yes / No)</b>	No
<b>One Call Membership Exemptions (Yes / No)</b>	No
<b>One Call Membership Exemptions (Specific Language)</b>	Not addressed.
<b>One-Call Law Addresses Board Make-Up (Yes / No)</b>	No
<b>One-Call Law Addresses Board Make-Up (Specific Language)</b>	Not addressed.
<b>Separate Body Designated to Advise Enforcement Authority (Yes / No)</b>	No

<b>Separate Body Designated to Advise Enforcement Authority (Specific Language)</b>	Not addressed.
<b>Penalties / Fines Excavators (Yes / No)</b>	Yes
<b>Penalties / Fines Excavators (Specific Language)</b>	AK Statute Section 42.30.440. Penalties; injunctive relief. (a) In addition to all other remedies provided by law, a person who violates a provision of AS 42.30.400 - 42.30.490 is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each offense if the violation results in or significantly contributes to damage to an underground facility. (b) If the court finds that an excavator is violating or threatening to violate a provision of AS 42.30.400 - 42.30.490 and the violation may result in damage to an underground facility, the court may grant injunctive relief to the underground facility operator.
<b>Penalties / Fines Operators (Yes / No)</b>	Yes
<b>Penalties / Fines Operators (Specific Language)</b>	AK Statute Section 42.30.440. Penalties; injunctive relief. (a) In addition to all other remedies provided by law, a person who violates a provision of AS 42.30.400 - 42.30.490 is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each offense if the violation results in or significantly contributes to damage to an underground facility. (b) If the court finds that an excavator is violating or threatening to violate a provision of AS 42.30.400 - 42.30.490 and the violation may result in damage to an underground facility, the court may grant injunctive relief to the underground facility operator.
<b>Penalties / Fines Other (Yes / No)</b>	Yes
<b>Penalties / Fines Other (Specific Language)</b>	AK Statute § 42.30.440. Penalties; injunctive relief. (a) In addition to all other remedies provided by law, a person who violates a provision of AS 42.30.400 - 42.30.490 is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each offense if the violation results in or significantly contributes to damage to an underground facility. (b) If the court finds that an excavator is violating or threatening to violate a provision of AS 42.30.400 - 42.30.490 and the violation may result in damage to an underground facility, the court may grant injunctive relief to the underground facility operator.
<b>Enforcement Authority Identified</b>	Civil court
<b>Damage Investigation Required by Enforcement Authority (Yes / No)</b>	No
<b>Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)</b>	No
<b>Mandatory Reporting by Excavators to State Entity or Department (Yes / No)</b>	No
<b>Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)</b>	No
<b>Law and Regulation</b>	
<b>Statute / Law (Name &amp; Link)</b>	Alaska Statutes Article 06. Alaska Underground Utility Facilities Damage Prevention Act, Section 42.30.400 - 490 ( <a href="http://www.legis.state.ak.us/basis/statutes.asp#42.30.400">http://www.legis.state.ak.us/basis/statutes.asp#42.30.400</a> ); and Anchorage Municipal Code Chapter 26.90 - Damage to Underground Utility Facilities ( <a href="https://www.municode.com/library/ak/anchorage/codes/code_of_ordinances?nodeId=TIT26UT_CH26.90DAUNUTFA_26.90.010DE">https://www.municode.com/library/ak/anchorage/codes/code_of_ordinances?nodeId=TIT26UT_CH26.90DAUNUTFA_26.90.010DE</a> ) Also see One-Call Center Website, Excavator Handbook, for Information on State Law. ( <a href="http://akonecall.com/wp-content/uploads/2011/06/2008-Excavator-Handbook.pdf">http://akonecall.com/wp-content/uploads/2011/06/2008-Excavator-Handbook.pdf</a> )
<b>Date of Last Revision to Statute / Law</b>	1998 and 2015
<b>Administrative Rules / Regulations (Yes / No)</b>	No

<b>Administrative Rules / Regulations (Name &amp; Link)</b>	None
<b>State One Call Center(s) (Name &amp; Link)</b>	<a href="http://www.akonecall.com/">811 Alaska Digline (http://www.akonecall.com/)</a>
<b>Miscellaneous Notes</b>	
<b>Notes</b>	Anchorage Municipal Code §§ 26.90.10 to 26.90.50 provide additional excavation and operator requirements for excavation within that jurisdiction.
<b>State Damage Prevention / One- Call Law Recently Revised With Future Implementation Dates</b>	0