

Summary of **KEY IMPACTS** to Excavators and Facility Owners or Operators in **HB5546**



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Impacts to Excavators

- Actual individual excavating or their excavation company must process the locate request
- All locate requests would require pre-marking, by physically marking the proposed excavation area or route, electronic white lining (when available) or verbal or written pre-marking accepted when explicit enough to limit markings
- “Excavation” definition expanded to include saw cutting, but only when penetrating into the base or subbase
- “Damage” definition would include the partial or complete destruction of the utility facility including damaging cathodic protection, protective coating, tracer wire, and lateral support

Impacts to Facility Owners or Operators

- JULIE members are required to provide all buried facility location information as part of their facility notification databases to JULIE
- After 1/1/2026, ensure (not necessarily required to locate) that newly installed or completely replaced service laterals can be locatable
- “Underground Utility Facilities” definition streamlined to transport or generate electrical power
- The following excavation activities would not require a locate request: use of round-tipped probe rod for bar-holing for utility locating, and grounding utility equipment in emergency situations
- During widespread emergency situations (i.e. storm restorations) facility owners or operators would be allowed to submit emergency notices for their contractors or subcontractors, but must assume liability, unless the contractor or subcontractor obtains their own emergency notice
- Facility markings would not be allowed to indicate a width of a facility that is greater than the width of the actual facility or the width of the paint mark approximately 2”



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- Would require facility owners or operators to provide to JULIE a dedicated phone number for the facility owner or operator with a direct extension that can be provided to excavators to allow them to report potential facility damage
- Would establish a new penalty of up to \$250/occurrence for each reported failing by facility owners or operators to respond through the positive response system to an excavator's notice

Impacts to BOTH Excavators and Facility Owners or Operators

- New penalties for requesting false “no show” or “incomplete” requests
- The required advance notice would be refined to “2 days, but no more than 10 days, and valid for 25 days NOT including the day of the call”
- The use of a positive response system, offered through JULIE, would be required by excavators and facility owners or operators no later than January 1, 2026
- “Tolerance zone” has been divided into sub-paragraphs defining with and without facility size provided, submerged, and visible utility structures
- Use the planning design process to assist in planning proposed excavation to avoid existing facilities
- Use the joint meet process to communicate information, scope, schedule, and number of crews related to the proposed project in advance of the proposed start of the excavation
- A “watch and protect” program for excavations near high profile facilities with guidelines for excavators and facility owners or operators to cooperatively work together to protect those facilities
- For the first time, emergency locate requests would have an expiration date of 10 days after the date of the notification
- Rules surrounding “submerged” facilities created
- Up to 2 additional days advance notice may be requested from facility owners or operators to complete a normal notice request when call volume in a place exceeds the reasonable control measurement. **IMPORTANT NOTE:** *This advance notice ONLY impacts those excavations where the project owner is a JULIE member facility owner or operator and applies to only that JULIE member, their contractors or subcontractors.*
- ICC would be required to inform all parties within a defined timeframe of the alleged violation. Alleged violation reports would have to be submitted within 65 days of the discovery of the alleged violation. Timelines have been established for notice of violations to be submitted to the party determined to be in violation.



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Summary of Key Impacts

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