

## Alabama-

AL Code § 37-15-6 (a)(1) Each operator served with notice in accordance with Section 37-15-4, with underground facilities in the area, shall mark or cause to be marked or otherwise provide the approximate location of the operator's underground facilities by marking in a manner as prescribed herein prior to the proposed start of excavation, demolition, or blasting. If any underground facilities become damaged due to an operator furnishing inaccurate information as to the approximate location of the facilities, through no fault of the operator, then the civil liabilities imposed by this chapter do not apply. (2) In lieu of such marking, the operator may request to be present at the site upon commencement of the excavation, demolition, or blasting. (3) When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice relative to revising the original notice to the "One-Call Notification System" or the operator, all operators thus notified must attempt to contact the excavator within four hours and provide a response relative to any of their known underground facilities, active or abandoned, at the site of the excavation.

AL Code § 37-15-6 (a) (3) When an excavator encounters an unmarked underground facility on an excavation site where notice of intent to excavate has been made in accordance with the provisions of Section 37-15-4, and attempts a follow-up or second notice relative to revising the original notice to the "One Call Notification System" or the operator, all operators thus notified must attempt to contact the excavator within four hours and provide a response relative to any of their known underground facilities, active or abandoned, at the site of the excavation.

## Arizona-

L. For abandoned and apparently abandoned underground facilities:

1. The underground facilities operator shall notify the excavator whether the facility is active or abandoned. An inactive facility shall be considered active for purposes of this subsection. This section does not obligate any person to represent that an underground sewer facility in any public street, alley, right-of-way dedicated to public use or public utility easement is abandoned if it was installed on or before December 31, 2005 and it is not owned by an underground facilities operator of a sewer system. This paragraph does not obligate a landlord to represent that an underground facility in any apartment community or mobile home park is abandoned if it was installed before January 1, 2007.

2. For an underground facility abandoned after December 31, 1988 or covered by installation records prepared under section 40-360.30, the underground facilities operator may not advise or represent to the excavator that a facility or portion of a facility is abandoned unless the underground facilities operator has verified, by reference to installation records or by testing, that the facility or portion is actually abandoned and not merely inactive. For all other abandoned or apparently abandoned underground facilities, each one-call notification center shall establish a method of providing personnel from an underground facilities operator qualified to safely inspect and verify that the facility is abandoned or active. For the purposes of this article, an underground facilities operator shall not

represent that an underground facility is abandoned unless the facility has been verified as abandoned pursuant to this subsection.

3. For the purposes of this article, if an excavator encounters an apparently abandoned underground facility, the excavator shall not treat the underground facility as abandoned until the excavator has received notification that the underground facility is abandoned pursuant to paragraph 1 of this subsection or has notified the underground facilities operator of the apparent abandonment and has received verification of abandonment pursuant to paragraph 2 of this subsection.

4. Each one-call notification center may establish a method for reimbursing the verifying underground facilities operator for the expenses incurred under paragraph 2 of this subsection. The reimbursement method shall not include any charge or expense to the excavator. A landlord that fails to advise or represent that an underground facility is abandoned pursuant to paragraph 1 of this subsection, whose underground facility is verified as abandoned pursuant to this subsection and who has not filed information with a one-call notification center is liable to the one-call notification center and to all affected underground facilities operators and excavators for the cost of verifying abandonment together with any damages, including economic loss, proximately caused by the violation.

#### Arkansas-

Arkansas Code Annotated, 14-271-108 (a) (1) Each member operator having underground facilities, including those facilities that have been abandoned in place by the member operator but not yet physically removed and that can be identified, shall file a notice with the One Call Center that the member operator has underground facilities. (2) The notice shall include a list of the geographic areas where facilities are located... (d) Member operators shall maintain records and drawings of all changes and additions to their underground facilities. 14-271-110 (a) (2) (A) Unless otherwise agreed to between the excavators and the operator, within two (2) working days after notification from the One Call Center, the operator shall identify the approximate location of the facilities by field-marking on the surface by paint, dye, stakes, or any other clearly visible marking which designates the horizontal course of the facilities.

#### California-

California Code 4216.3. (a) (1) (A) (iii) (C) An operator shall indicate with an "A" inside a circle the presence of any abandoned subsurface installations, if known, within the delineated area. The markings are to make an excavator aware that there are abandoned subsurface installations within that delineated work area....(4) An operator shall amend, update, maintain, and preserve all plans and records for its subsurface installations as that information becomes known. If there is a change in ownership of a subsurface installation, the records shall be turned over to the new operator. Commencing January 1, 2017, records on abandoned subsurface installations, to the extent that those records exist, shall be retained.... (4) An operator shall amend, update, maintain, and preserve all plans and records for its subsurface installations as that information becomes known. If there is a change in ownership of a subsurface installation, the records shall be turned over to the new operator.

Commencing January 1, 2017, records on abandoned subsurface installations, to the extent that those records exist, shall be retained.

#### Colorado-

Colorado Revised Statutes § 9-1.5-103 (4)(a) ...Owners and operators shall, within the time limits specified in subsection (6) of this section, provide to the excavator evidence, if any, of facilities abandoned after January 1, 2001, known to the owner or operator to be in the proposed excavation area. § 9-1.5-107. Notice of removal of underground facilities. At least ten days before beginning an excavation to remove an underground facility that is a gas transmission pipeline that has been abandoned or is unused and is not located in a public road, street, alley, or right-of-way dedicated to public use, the excavator shall notify each owner of record and occupant of the real property where such underground facility is located. ... For purposes of this section, an underground facility is not considered abandoned or unused if it is in operation for its intended purpose or is being actively maintained with reasonable anticipation of a future use

#### Connecticut-

CT PURA Regulations Sec. 16-345-3 (a) (8) Maintain records of all existing underground utility facility locations, including without limitation, facilities abandoned in place and interconnections to all utility users; (9) Receive tickets from the central clearinghouse; ... (b) Each public utility shall: (1) By the end of the second full day... after the day of notification ... of a proposed excavation or demolition, or by the date on which excavation or demolition is scheduled to commence as reported in the notification to the central clearinghouse, whichever is later: (A) Except for an area of continual excavation, in the event that the public utility determines that it has underground facilities in the designated area, mark the approximate location of such facilities...

#### Delaware-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Florida-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Georgia-

O.C.G.A. § 25-9-7 (h) Facility owners or operators shall either maintain recorded information concerning the location and other characteristics of abandoned utility facilities, maintain such abandoned utility

facilities in a locatable manner, or remove such abandoned utility facilities. Facility owners or operators shall provide information on abandoned utility facilities, when possible, in response to a locate request or design locate request. When the presence of an abandoned facility within an excavation site is known, the facility owner or operator should attempt to designate the abandoned facility or provide information to the excavator regarding such facilities. When located or exposed, all abandoned utility facilities and sewer laterals shall be treated as live utility facilities and sewer laterals.

#### Hawaii-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Idaho-

IDStat, § 55-2205 (4) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified or were not located with reasonable accuracy, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies reasonably accurate locate information within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or two thousand dollars (\$2,000), whichever is less

#### Illinois-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Indiana-

IC 8-1-26-15 (a). An operator that has underground facilities located in Indiana must become a member of the association and shall provide the following information to the association: (1) The name of each township and county in which the operator has underground facilities, including those facilities that have been abandoned in place by the operator but not yet physically removed. IC 8-1-26-18 (a). Subject to subsection (i), each operator notified under section 16 of this chapter shall, not later than two (2) full working days after receiving the notice of intent provided in section 16 of this chapter, supply to the person responsible for the excavation or demolition the following information, using maps when appropriate: (1) 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

#### Iowa-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Kansas-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Kentucky-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Louisiana-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Maine-

23 M.R.S.A. §3360-A.4-D. Abandoned or inactive facilities. Beginning on the date an owner or operator of underground facilities is required by the Public Utilities Commission to implement electronic mapping, the owner or operator shall indicate the existence of facilities abandoned or inactive after that date on its electronic mapping system and shall notify an excavator when abandoned or inactive facilities exist in the area of an excavation. If an owner or operator of an underground facility does not maintain an electronic mapping system, the owner or operator shall notify the excavator if the operator is aware of abandoned or inactive facilities in the area of an excavation. Maine PUC Rule 65-407 c895 § 6 (F) Abandoned or Inactive Facilities (1) Operators with an electronic mapping system. Beginning on the date an owner or operator of underground facilities is required by the Public Utilities Commission to implement electronic mapping under Chapter 140 of the Commission's Rules, the owner or operator shall indicate the existence of facilities abandoned or inactive after that date in its electronic mapping system and shall notify an excavator when abandoned or inactive underground facilities exist in the area of a proposed excavation. (2) Operators without an electronic mapping system. If an owner or operator of an underground facility is not required to maintain an electronic mapping system under Chapter 140 of the Commission's rules, the owner or operator shall notify an excavator of any abandoned or inactive facilities in the area of a proposed excavation of which it is aware. An operator shall be conclusively presumed to be aware of any facilities abandoned after March 28, 2002. (3) When notifying an excavator that abandoned or inactive underground facilities exist in the area of the proposed excavation, the operator must also inform the excavator that: (a) In addition to the abandoned or

inactive facilities, there may also be unmarked, active facilities within the excavation area; and (b) Anytime an unmarked underground facility is discovered during excavation, the excavator must treat the line as active and notify the operator of the facility, as soon as possible. Upon receiving notification from the excavator that an unmarked facility has been discovered, the operator must visit the site and positively identify whether the facility is active or inactive.

#### **Maryland-**

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### **Massachusetts-**

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### **Michigan-**

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### **Minnesota-**

Minnesota Statutes § 216D.04 Subd. 3. Locating underground facility; operator. (a) Prior to the excavation start time on the notice, an operator shall ... and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator. Minnesota Administrative Rules § 7560.0125 Subpart 1. Duty of operators to provide readily available information. Operators shall provide readily available information, as shown on maps, drawings, diagrams, or other records used in the normal course of business, on the approximate location of abandoned and out-of-service facilities to an excavator by the excavation date and time noted on the excavation or location notice unless otherwise agreed between the excavator and the operator. An operator fulfills an obligation to provide information on these facilities by doing one or more of the following: A. locating and marking the approximate location of the facility according to the current color code standard used by the American Public Works Association, as required in Minnesota Statutes, section 216D.04, subdivision 3, with an abandoned or out-of-service facility identified by an uppercase A surrounded by a circle; B. providing informational flags at the area of proposed excavation; C. communicating information verbally; or D. providing copies of maps, diagrams or records.

#### Mississippi-

Locating abandoned facilities is not addressed. However, reference Mississippi Code § 77-13-9. (3) When an excavator, upon arriving at an excavation site, sees evidence of unmarked underground utility lines or underground facilities or encounters an unmarked underground utility line or underground facility on an excavation site after excavation has commenced where notice of intent has been made in accordance with the provisions of this chapter, that excavator must immediately contact Mississippi 811, Inc. All operator(s) thus notified must contact the excavator within four (4) hours and inform the excavator of any of their known underground facilities, active or abandoned, at the site of the excavation.

#### Missouri-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Montana-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Nebraska-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Nevada-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### New Hampshire-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### New Jersey-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### New Mexico-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### New York-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### North Carolina-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### North Dakota-

ND CenCode § 49.23.04. 3. k. A facility owner, excavator, or other person may not present or presume that an underground facility is abandoned, or treat an underground facility as abandoned, unless the facility has been verified as abandoned by reference to installation records or by testing. The notification center shall establish a method of providing personnel from a facility owner qualified to safely inspect and verify whether a facility is abandoned or inactive if necessary. An inactive facility must be considered active for purposes of this section

#### Ohio-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Oklahoma-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Oregon-

OR § 952-001-0070 (2) Operators of abandoned facilities must mark said facilities to the standards of locatable facilities or unlocatable facilities. (3) An operator must mark any known abandoned



underground facility with a capital letter "A" inside of a circle, using the appropriate operator color and identification.

#### **Pennsylvania-**

PA Act 287, Section 2: It shall be the duty of each facility owner: ... (5) (i) ... Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence and type of abandoned lines that remain on the continuing property records of the facility owners

#### **Rhode Island-**

RI Laws § 39-1.2-1: As used in this chapter: ... (11) ... Utility facilities shall include active, newly installed and inactive or abandoned, utility facilities. (12) Abandoned utility facilities means any known underground or submerged utility line or facility that has been permanently taken out of service. For excavation purposes the abandoned underground utility facilities should always be considered to be active utility service. § 39-1.2-7. (a) A public utility served with the notice in accordance with § 39-1.2-5 shall ... mark the approximate location of the underground utility facilities.

#### **South Carolina-**

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### **South Dakota-**

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### **Tennessee-**

TCA § 65-31-105. (a) Each operator, except operators participating in a one-call service, having underground facilities in a county, including those facilities that have been abandoned in place by the operator but not yet physically removed, shall file a notice with the register of deeds of the county.... It is only necessary that such notice shall consist of the fact that the operator possesses underground facilities in the listed counties. It is not necessary that the operator list the exact physical location of each and every item of its underground facilities in such counties

#### **Texas-**

[TITLE 43](#)

[PART 1](#)

TRANSPORTATION

TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 21

SUBCHAPTER C

RULE §21.39

RIGHT OF WAY

UTILITY ACCOMMODATION

Ownership, Function, Abandonment, and Idling of Facilities

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(a) Change of ownership. If a utility sells, assigns, or conveys its utility facility to another company, the new owner must, within a reasonable period of time, notify the department of the sale in writing and:

(1) provide the name, address, and phone number of the new owner and a person to be contacted on matters concerning the utility facility;

(2) acknowledge whether the new owner is a public utility, common carrier, or other entity authorized by state law to operate, construct, and maintain its lines over, under, across, on, or along state highways as specified in §21.36(a) of this subchapter (relating to Rights of Utilities); and

(3) update all call signs and markers.

(b) Saltwater pipeline facility change of ownership. Notwithstanding subsection (a) of this section, if the utility facility is a saltwater pipeline facility located within the state's right of way by lease, the saltwater pipeline operator shall obtain written approval from the department before ownership of the saltwater pipeline facility may be transferred.

(c) Change of function. If a utility wishes to materially change the character, use, or function of an approved utility facility and that new character, use, or function would result in the application of more stringent requirements under the provisions of this subchapter than are applicable to the approved utility facility, the utility must submit to the department a written request for a new use and occupancy agreement and otherwise comply with the requirements contained in this subchapter concerning utility accommodation.

(d) Abandonment or idling of facility.

(1) Notice. If a utility abandons or idles a utility facility, it must, within a reasonable period of time, notify the department of that status in writing and in the case of abandonment, indicate whether the utility facility will be removed or abandoned in place.

(2) Abandonment in place.

(A) A utility that wishes to abandon a utility facility in place must submit a written request to the district engineer for each type of facility. The request must include the following detailed information for each facility proposed for abandonment:

(i) offsets from property lines and the centerline of the highway;

(ii) coordinates based on the global positioning system (GPS) or a survey datum as directed by the department;

(iii) the age, condition, material type, current status, quantity, and size of the utility facility;

(iv) a legend explaining symbols, characters, abbreviations, scale, and other data shown on any as-built drawing or record mapping;

(v) a statement certifying that the utility facility does not contain, or is not composed of, hazardous or contaminated materials; and

(vi) any additional information requested by the department.

(B) If the district engineer approves the abandonment in place, the utility facility owner shall continue to map, locate, and mark its abandoned utility facilities as required by this subchapter, federal regulations, or standards adopted by industry organizations, whichever is more restrictive.

(C) Abandonment shall not be construed as a change in ownership of the utility facility.

(3) Abandonment costs and restoration of public right of way. The utility shall be responsible for all costs associated with the maintenance or removal of its abandoned or idled utility facilities within the

right of way, unless removal of the line is caused by an active highway project and adjustment is the financial responsibility of the department.

(4) Voids. Significant voids beneath the right of way are prohibited. The department, at the discretion of the district engineer, may require that a utility facility be filled with cement slurry or backfilled in accordance with department standards.

(5) High and low pressure pipeline abandonment. Each utility shall conduct abandonment or deactivation of pipelines within the right of way in compliance with the requirements of this section, current federal, state, or local laws or codes, or industry standards, whichever are more stringent. If the pipeline is approved for abandonment in place, the utility shall:

(A) purge, cut, and cap or plug the ends of all pipeline facilities at the right of way lines;

(B) submit to the department a written certification that the abandonment conforms with all requirements of this section, current federal, state, or local laws or codes, or industry standards, whichever are more stringent;

(C) slurry-fill the pipeline, if the department determines it is needed due to the age, condition, material type, quantity, and size of the facility; and

(D) disconnect each pipeline from all sources and supplies of gas, purge each pipeline of gas and, in the case of submerged pipelines, fill each pipeline with water or other approved materials, and seal it at the ends.

(6) Abandoned gas service lines. For each gas service line approved for abandonment in place, the utility shall:

(A) provide a locking device or other means designed to prevent opening on each valve that is closed, to prevent the flow of gas to the customer;

(B) install in the service line or in the meter assembly a mechanical device or fitting that will prevent the flow of gas;

(C) physically disconnect the customer's piping from the gas supply and seal the open pipe ends;

(D) insure that a combustible mixture is not present after purging; and

(E) fill each abandoned vault with a suitable compacted material.

(7) Record keeping for abandoned utility facilities. A record of underground utility facilities abandoned in the right of way shall be maintained in a utility's permanent files until the utility facility is completely removed from the ground, and shall be provided to the department promptly upon request. This record must include:

(A) offsets from property lines and the centerline of the right of way;

(B) coordinates derived from the global positioning system being used by the department or a survey datum as directed by the department;

(C) the type, quantity, and size of the equipment;

(D) a legend explaining symbols, characters, abbreviations, scale, and other data shown on map;

(E) the location of the abandoned facilities; and

(F) any additional information requested by the department.

## Utah-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

## Vermont-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Virginia-

G. For underground utility lines abandoned after July 1, 2002, operators shall make a reasonable attempt to keep records of these abandoned utility lines, excluding service lines connected to a single-family dwelling unit. When an operator has knowledge that the operator's abandoned utility lines may be present within the area of the proposed excavation, the operator shall provide a response to the excavator-operator information exchange system. Such information regarding abandoned lines shall be for informational purposes only. An operator shall not be liable to any person, or subject to civil penalties, as a result of the operator's providing incorrect information regarding abandoned lines or the subsequent use of such information. The excavator-operator information exchange system may refer any person with concerns about the accuracy of information regarding abandoned lines to the appropriate operator. (56-265.19. Duties of operator; regulations.)

#### Washington-

RCW 19.122.030 (3) Upon receipt of the notice provided for in subsection (1) of this section, a facility operator must, with respect to: ... (b) The facility operator's unlocatable or identified but unlocatable underground facilities, provide the excavator with available information as to their location;

#### West Virginia-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.

#### Wisconsin-

WI Statutes § 182.0175 (1) In this section: ... (c) Transmission facilities includes all pipes, pipelines, wires, cables, ducts, wirelines and associated facilities, whether underground or aboveground, regardless of the nature of their transmittance or of their in-service application. The term includes, but is not restricted to, utility facilities, government-owned facilities, facilities transporting hazardous materials, communications and data facilities, drainage and water facilities and sewer systems. The term does not include culverts. § 182.0175 (2m) (a) A transmission facilities owner shall do all of the following: ... 2. Respond to an excavation notice within 3 working days by marking the location of transmission facilities and, if applicable, laterals as provided under par. (b) in the area described in the excavation notice

#### Wyoming-

Not Addressed- No specific requirements surrounding the dealings with operator responsibility with abandoned utilities/facilities.