

The Senate Regulated Industries and Utilities Committee offered the following substitute to SR 989:

#### A RESOLUTION

1 Creating the Senate Study Committee on Excavation Safety; and for other purposes.

2 WHEREAS, Georgia law presently requires utility facility owners and operators to locate  
3 their utility facilities at the request of an excavator; and

4 WHEREAS, the location of utility facilities is necessary to protect the public from physical  
5 harm, prevent injury to persons and property, and prevent interruptions of utility service  
6 resulting from damage to utility facilities caused by excavating; and

7 WHEREAS, directional drilling or boring and certain other methods of excavating increase  
8 the chances that utility facilities may be damaged, particularly those that are not locatable  
9 through cost-effective and traditional means; and

10 WHEREAS, concerns have been raised about the feasibility, practicality, and  
11 cost-effectiveness of locating customer sewer laterals and utility facilities that are not  
12 locatable through traditional means, including but not limited to nonconductive utility  
13 facilities and nonmetallic underground facilities that have no trace wires; and

14 WHEREAS, growth and development throughout the State of Georgia has resulted in an  
15 increasing amount of excavation that has increased the risk of injury to persons and damage  
16 to property, as well as damage to the variety of utility facilities; and

17 WHEREAS, concerns have been expressed about the ability of facility owners or operators  
18 to comply with current law, particularly due to increased growth, high-volume locate  
19 requests, and technological capabilities of locate equipment as compared to excavating  
20 equipment, as well as the ability under current law to realistically hold parties that violate the  
21 law accountable for such violations and for damages caused; and

1 WHEREAS, current law requires all utilities to be members of the utilities protection center  
2 and such membership can be encouraged by making the cost of membership in the utilities  
3 protection center and the cost of utilizing the services of the utilities protection center  
4 commensurate with the number of locate requests received and made by a utility, the number  
5 of utility customers, and the gross receipts of the utility; and

6 WHEREAS, many local governments provide utility services and the levying of penalties  
7 against such local governments may divert public resources from improving the ability of  
8 local governments to locate their utility facilities through the acquisition of new or additional  
9 technology or the training of personnel; and

10 WHEREAS, greater cooperation between utility owners, contractors, excavators, the Public  
11 Service Commission, and the utilities protection center could simplify the locating and  
12 excavating processes while at the same time facilitating public safety in a manner that  
13 encourages all parties to bear the responsibility of promoting such safety; and

14 WHEREAS, additional information and study would be helpful in determining whether  
15 legislation is advisable to address these issues.

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate  
17 Study Committee on Excavation Safety to be composed of five members of the Senate to be  
18 appointed by the Senate Committee on Assignments. The Senate Committee on Assignments  
19 shall designate a member of the committee as chairperson of the committee. The chairperson  
20 shall appoint an advisory council to the committee which shall be comprised of  
21 representatives of counties, municipalities, water or sewer utilities, the Public Service  
22 Commission, the utilities protection center, excavators, contractors, developers, Atlanta Gas  
23 Light Company, Georgia Power, Municipal Electric Authority of Georgia, Georgia Electric  
24 Membership Corporation, Municipal Gas Authority of Georgia, the telecom industry, the  
25 cable industry, and such other parties as the chairperson deems appropriate. The chairperson  
26 shall call all meetings of the committee.

27 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
28 needs, issues, and problems mentioned above or related thereto and recommend any actions  
29 or legislation which the committee deems necessary or appropriate. The committee may  
30 conduct such meetings at such places and at such times as it may deem necessary or  
31 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
32 accomplish the objectives and purposes of this resolution. The members of the committee

1 shall receive the allowances authorized for legislative members of interim legislative  
2 committees but shall receive the same for not more than five days unless additional days are  
3 authorized. The funds necessary to carry out the provisions of this resolution shall come  
4 from the funds appropriated to the Senate. In the event the committee makes a report of its  
5 findings and recommendations, with suggestions for proposed legislation, if any, such report  
6 shall be made on or before December 31, 2004. The committee shall stand abolished on  
7 December 31, 2004.