

**SB95 INTRODUCED**



1 SB95  
2 FKRAH5D-1  
3 By Senator Allen  
4 RFD: State Governmental Affairs  
5 First Read: 13-Jan-26



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4     SYNOPSIS:

5                     Under existing law, the Underground Damage  
6     Prevention Program exists to administer the One-Call  
7     Notification System to safeguard against injury and  
8     loss of life due to excavation or demolition and to  
9     protect underground facilities from costly damage and  
10    the interruption of utility or other services to the  
11    general public.

12                   The program is subject to a statutory sunset  
13    clause which takes effect on January 1, 2027.

14                   This bill would extend the statutory sunset  
15    clause to January 1, 2036.

16  
17  
18                   A BILL

19                   TO BE ENTITLED

20                   AN ACT

21

22                   Relating to the Underground Damage Prevention Program;  
23    to amend Section 37-15-5, Code of Alabama 1975, to extend the  
24    existing statutory sunset clause related to the program.

25    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26                   Section 1. Section 37-15-5, Code of Alabama 1975, is  
27    amended to read as follows:

28                   "§37-15-5



29 (a) Until January 1, ~~2027~~2036:

33 (2) Operators that are members of the One-Call  
34 ~~Notification System on January 1, 2020, must remain members.~~

35 (3) Operators with more than 25,000 customers or 500  
36 miles of facilities, that are not members, must join the  
37 One-Call Notification System by January 1, 2021.

38 (4) Operators that do not meet the thresholds described  
39 in subdivision (2) or (3), must join the One-Call Notification  
40 System by January 1, 2022.

41                   (5) (2) Operators of electrical underground facilities  
42                   that join the One-Call Notification System ~~under the~~  
43                   ~~requirements of subdivision (3) or (4)~~ having less than five  
44                   percent underground trench miles compared to the total miles  
45                   of lines~~T~~ are not subject to the membership costs until their  
46                   underground trench miles exceed the trench mile exemption.

47 These operators shall ~~be required to~~ report annually to the  
48 One-Call Notification System their percentage of underground  
49 trench miles by the end of each calendar year.

50                    ~~(6)~~ (3) If an operator of an underground facility fails  
51                    to become a member of the One-Call Notification System, as  
52                    required by this chapter, and that failure is a cause of  
53                    damage to that underground facility caused by a person who has  
54                    complied with this chapter and has exercised reasonable care  
55                    in the performance of the excavations that has caused damage  
56                    to the underground facility, the operator has no right of



57 recovery against the person for the damage to that underground  
58 facility.

59 (b) ~~Between April 18, 1994, and January 1, 1995, or any~~  
60 ~~time thereafter, any~~Any non-profit~~nonprofit~~ corporation,  
61 public corporation, or governmental entity desiring to become  
62 the One-Call Notification System shall apply to the ~~Alabama~~  
63 Public Service Commission for a certificate of public  
64 convenience and necessity, verifying under oath that the  
65 applicant meets the requirements of this chapter. After a  
66 public hearing on the application, if the ~~Alabama~~ Public  
67 Service Commission deems that the applicant meets the  
68 requirements of this chapter, and if it is found that the  
69 applicant is fit, willing, and able to properly perform the  
70 services proposed and that the proposed service is or will be  
71 required by the present or future public convenience or  
72 necessity, then ~~in such event~~ the ~~Alabama~~ Public Service  
73 Commission may issue a certificate of public convenience and  
74 necessity authorizing the applicant to commence its operation  
75 as the One-Call Notification System. The ~~Alabama~~ Public  
76 Service Commission shall revoke a certificate if the  
77 ~~non-profit~~nonprofit corporation, public corporation, or  
78 governmental entity ceases to meet the requirements as set  
79 forth in this chapter. The One-Call Notification System must  
80 provide a report of operations and financial review or audit  
81 to the Public Service Commission annually.

82 (c) Subject to subsections (a) and (b), there shall be  
83 a statewide One-Call Notification System in accordance with  
84 this chapter to provide notice of all excavation or demolition

## SB95 INTRODUCED



85 near underground facilities.

86 (d) The One-Call Notification System shall be  
87 incorporated or operated as a ~~non-profit~~nonprofit corporation  
88 and governed by a board of directors representing its  
89 membership in accordance with the One-Call Notification System  
90 bylaws.

91 (e) Operators of underground natural gas or hazardous  
92 liquid pipeline facilities or the One-Call Notification System  
93 acting on their behalf shall develop and implement a public  
94 awareness and damage prevention program to educate the general  
95 public, excavators, and operators about the availability and  
96 use of the One-Call Notification System as required in  
97 applicable federal regulations and the requirements of this  
98 chapter.

99 (f) The person giving notice of intent to excavate or  
100 demolish shall be furnished an individual reference file  
101 number for each notification and upon request shall be  
102 furnished the names of the operators to whom the notification  
103 will be transmitted.

104 (g) An adequate record of notifications shall be  
105 maintained by the underground facility operator or the  
106 One-Call Notification System in order to document timely  
107 compliance with this chapter. These records shall be retained  
108 for a period of not less than three years and shall be made  
109 available at a reasonable cost upon proper and adequate  
110 advance request.

111 (h) The services of the One-Call Notification System  
112 ~~should~~shall be provided on working days in accordance with the



113 established working day hours.

114 (i) The One-Call Notification System ~~should~~shall voice  
115 record the notification telephone calls and ~~after~~  
116 hours~~after-hours~~ calls should at least reach a voice recording  
117 which explains emergency procedures.

118 (j) All members of the One-Call Notification System  
119 shall provide the One-Call Notification System with the  
120 following information:

121 (1) The notification area data in a format as required  
122 by the current database system utilized by the One-Call  
123 Notification System for the locations in which members have  
124 underground facilities or for other reasons wish to receive  
125 notifications of proposed excavations, demolitions, or  
126 blasting. This information shall be updated at least once a  
127 year.

128 (2) The name, address, and telephone number of a person  
129 to receive emergency notifications.

130 (k) The One-Call Notification System shall promptly  
131 transmit the information received from the excavator, as set  
132 forth in Section 37-15-4, to its appropriate member operators.

133 (l) All members of the One-Call Notification System who  
134 have changes, additions, or new installations of buried  
135 facilities within the boundaries of the State of Alabama shall  
136 notify the One-Call Notification System of changes in the  
137 information required in subdivision ~~(1) of subsection~~ (j) (1),  
138 within 30 days of the completion of such change, addition, or  
139 new installation."

140 Section 2. This act shall become effective on January

**SB95 INTRODUCED**



141 1, 2027.