

The CGA Requirement That Utilities Document Their Responses To  
Locate Requests Should Be Codified In GUFPA

It appears likely that amendments to the Georgia Utility Facility Protection Act (GUFPA) will be introduced in the next legislative session. GUCA members and staff have recently been participating in meetings of the Georgia Utilities Coordinating Council's legislative committee aimed at seeking consensus on potential changes. This committee has been effective in the past and Georgia utilities and stakeholders are to be commended for their cooperation.

As you can imagine, discussions about legislation changes can be quite time consuming. This will be particularly true this time as there are a large number of items on the list for discussion. I would like to take this opportunity to discuss one of these items - the utility's documentation of its response to a locate request.

GUFPA confers enforcement authority on the Georgia Public Service Commission and includes authorization for the PSC to adopt such rules as necessary to administer this enforcement. One such rule adopts the Common Ground Alliance's Best Practices as quasi-standards for both excavators and utilities. This includes CGA Best Practice 4-15: Documentation Of Work Performed On A Locate Is Maintained, which has the following Practice Description:

*"A facility locator always documents what work was completed on a locate request. This assists in the locate process by making a locator review what was located and then verify that all facilities within the requested area were marked. Careful documentation helps ensure that there is an accurate record of the work that was performed by the locator and helps eliminate confusion over what work was requested by the excavator."*

This documentation is commonly referred to as a "manifest".

How and when a utility responded to a locate request is often a point of dispute when a utility facility damage has occurred, or when an excavator has received a Notice of Probable Violation from the PSC, or when an excavator has lost productive time on a job due to problems with utility markings. When we assist clients in these situations we always ask for copies of manifests for the locate requests at issue. Responses to these requests are inconsistent at best. Please note that while the CGA Best Practice requires the utility to keep these records, there is no requirement to make the records available to parties in dispute. Sometimes the utility will provide clear and complete manifests, sometimes the information on the manifest is inaccurate or inconsistent with the dispute, and sometimes the utility will simply refuse to make the manifest available.

We believe the true value of the CGA Best Practice can only be realized if the manifests are available to all parties in a dispute and therefore we believe such a requirement should be added to GUFPA. To accomplish this, we would propose GUFPA be amended

1) By adding a definition of "Manifest" as follows:

*"Manifest – Means the documentation of a utility facility owner's efforts to designate its facilities in response to a specific Locate Request."*

2) By adding this verbiage into §25-9-7:

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“(h) Utility facility owners will create a Manifest, either in paper or electronic format, corresponding to each Locate Request received. This Manifest will be made available to any party to a dispute in which the Locate Request is at issue and will include, but not be limited to:

- (1) The Locate Request identification number.
- (2) The date(s) and time(s) that any facilities were designated in response to the Locate Request.
- (3) The manner by which the facility or facilities were designated (paint, flags, offsets, etc.)
- (4) A description of the type, size, and number of separate facilities that were designated.
- (5) The name and contact information of the person(s) who designated the facility or facilities.
- (6) Where reasonable to do so, a drawing showing the placement of paint, flags, offsets, etc. with measurements to identifiable fixed objects ( such as measurements to back of curbs, walls of buildings, etc.)”

As stated above, we believe this information should be freely available to all parties in a dispute in which a utility’s response to a locate request is a consequential factor.

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#### ABOUT THE AUTHOR

Ralph Byrd, VP/COO of Utility Business Services, Inc. (UBS), is an engineer and an attorney and has over 30 years of experience in the utility industry. He has served as a member of the board of directors of the Utilities Protection Center of Georgia, as chairman of the Georgia Utilities Coordinating Council, and as a member of the Common Ground Alliance’s Best Practices Committee. Ralph may be reached at [ralph@ubsinfo.com](mailto:ralph@ubsinfo.com) or at 770-377-7501.