

Item 11 Revised Recommendation

RECOMMENDATION

Staff recommends that the Board make the following recommendation to the Governor and Legislature and direct staff to include it in the Board's 2024 Annual Report:

The Board recommends the Governor and Legislature retain the current law allowing an excavator, in an emergency, to begin excavation prior to all operators responding but modify excavator and operator requirements regarding excavations initiated in response to an emergency as follows:

- *Change: Require excavators to contact 811 immediately upon discovering the need for an emergency excavation. Require excavators to report the nature of the emergency in their notification.*
- *Change: Retain current law that requires excavators to delineate the excavation area prior to excavation, but for emergencies, permit the delineation to occur after contacting 811 and after the commencement of excavation.*
- *[Change: Prohibit the renewal of a ticket issued for an emergency excavation.](#)*
- *For emergency excavations within 10 feet of a high priority subsurface installation: o Retain current law that requires an operator, receiving notification of an excavation occurring within 10 feet of a high priority subsurface installation, to notify the excavator of the presence high priority subsurface installation.*
 - *Change the law to require the operator to notify the excavator of the presence of the high priority subsurface installations immediately upon learning of an excavation in response to an emergency, using the excavator's contact information on the ticket.*
 - *Retain current law requiring the excavator and operator discuss the method and tools that the excavator will use during the excavation and the information the operator will provide to assist in verifying the location of the subsurface installation.*
 - *Change the law to allow the currently required "on site" meeting to occur remotely when related to emergency excavations.*