



County Technical Assistance Service

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Underground Utilities Damage Prevention Act

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Table of Contents

Underground Utilities Damage Prevention Act	3
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Underground Utilities Damage Prevention Act

Reference Number: CTAS-2201

The Underground Utilities Damage Prevention Act, found at Title 65, Chapter 31, Part 1, was substantially revised in 2015. The revised law establishes a system of civil, rather than criminal, enforcement for failing to follow the statutory procedures for notifying the Tennessee One-Call system prior to engaging in excavation activities. The new law does carve out an exception for "routine road maintenance activities." If the work of the highway department falls within this exception, the department is not statutorily required to notify the One-Call system. Failing to provide notification, however, could create safety hazards and expose the county to liability. Penalties for violations of the act include training and civil monetary penalties of up to \$5,000 per incident. The act does provide that local governments will not be fined unless they engage in a pattern of willful noncompliance. The act also establishes an enforcement board and an executive committee, which is responsible for levying the penalties.

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